

*Journal*  
*Session 1865-6*  
**JOURNAL**

**SESSION OF 1865-6,**

OF THE

**HOUSE OF REPRESENTATIVES**

OF THE

**STATE OF ALABAMA,**

HELD IN THE

**CITY OF MONTGOMERY,**

Commencing on the Third Monday in November, 1865.

---

**WITH AN INDEX,**  
PREPARED BY THE SECRETARY OF STATE.

---

**MONTGOMERY, ALA.:**  
**REID & SCREWS, STATE PRINTERS**  
1866.



# JOURNAL.

MONTGOMERY, ALABAMA,

NOVEMBER 23d, 1865. }

This being the third Monday in November, in the year of our Lord, one thousand eight hundred and sixty-five, the day fixed by the Convention of the State of Alabama, for the meeting of the General Assembly of the said State, the following members of the House of Representatives appeared in the Hall of the House, at the Capitol, were qualified, and took their seats, viz: From the county of

- Autauga—Chas. S. G. Foster.
- Baldwin—G. W. Robinson.
- Barbour—H. Pipkin, G. H. Davis.
- Bibb—James W. Davis.
- Blount—A. M. Gibson, S. Palmer.
- Butler—S. F. Gafford, T. C. Creunshaw.
- Callhoun—W. J. Borden, H. McBee, G. C. Ellis.
- Chambers—J. C. Meadows, Jas. L. Robinson.
- Cherokee—J. W. Brandon, John Lawrence, Thos. B. Cooper, John Potter.
- Choctaw—Joshua Morse, G. F. Smith.
- Clarke—
- Coffee—John G. Moore.
- Conecuh—F. M. Walker.
- Coosa—James Vansandt, T. U. T. McCain, John Edwards.
- Covington—J. D. Chapman.
- Dale—P. M. Callaway.
- Dallas—James E. Reese.
- DeKalb—G. W. Malone, N. M. Warren.
- Franklin—F. I. B. Goodwin.
- Henry—Aaron Olan, Geo. W. Culver.
- Jackson—W. J. Padgett, H. F. Smith, James Williams.
- Jefferson—John Oliver.
- Lawrence—A. E. Ashford.
- Limestone—W. Richardson, Jr., Chas. W. Reiser.
- Lowndes—Geo. S. Cox, N. L. Brooks.

Madison—J. W. Ledbetter, W. D. Humphrey.  
 Macon—John C. Judkins, Alexander Frazier, J. W. Echols.  
 Marion—John H. Bankhead.  
 Marshall—J. L. Sheffield, P. M. Bush.  
 Mobile—Alex. McKinstry, John R. Tompkins.  
 Monroe—W. W. McMillan.  
 Montgomery—H. M. Caffey, T. B. Bethea.  
 Morgan—Z. F. Freeman.  
 Pickens—Thomas C. Lanier, R. Henry.  
 Pike—A. N. Worthy, J. R. Goldthwaite, W. B. Stringer.  
 Randolph—W. E. Connelly, W. W. Dobson.  
 Russell—L. F. McCoy, B. G. Owens.  
 Shelby—Samuel Leeper, J. C. Hand.  
 Talladega—Jas. D. McCann, Geo. D. Plowman.  
 Tallapoosa—David H. Thrasher, Jas. Lindsay, H. R. McCoy.  
 Wilcox—J. R. Hawthorn.  
 Winston—J. W. Wilhite.

On motion of Mr. Williams of Jackson, Mr. McKinstry was called to the chair.

On motion of Mr. Thrasher, Mr. S. B. Brewer was appointed clerk, *pro tem*.

The House then proceeded to the election of a Speaker—Mr. Cooper, Mr. Bethea and Mr. Whitfield being in nomination.

Those who voted for Mr. Cooper are—Messrs. Borden, Brandon, Brooks, Bush, Callaway, Chapman, Connelly, Cox, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Gafford, Hand, Humphrey, Lawrence, Ledbetter, Leeper, Malone, McBee, McCain, McCann, McCoy of Tallapoosa, Moore of Coffee, Padgett, Plowman, Potter, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Thrasher, Vansandt, Warren, Wilhite and Worthy—38.

Those who voted for Mr. Bethea, are—Messrs. Bankhead, Caffey, Crenshaw, Culver, Echols, Frazier, Freeman, Gibson, Goldthwaite, Hawthorn, Judkins, McCoy of Russell, McMillan, Odum, Owens, Palmer, Pipkin, Raisler, Richardson, Stringer, Tompkins, Walker, Williams of Jackson—23.

Those who voted for Mr. Whitfield are—

Messrs. Ash, Goodwin, Henry, Lanier, Meadows, Morse, Smith of Choctaw—7.

Mr. Cooper having received a majority of all the votes given was escorted to the chair by a committee consisting of Messrs. Padgett, Davis of Bibb and Moore of Coffee, was qualified and entered upon the duties of the office.

The House then proceeded to the election of a clerk.

Mr. W. H. Fowler, of Greene, alone being in nomination,

and having received the whole number of votes given, to-wit: 74, was declared by the speaker to have been constitutionally elected principal clerk of the House of Representatives for the term prescribed by law. He was qualified, and entered upon the duties of his office.

The House then proceeded to the election of an assistant clerk, and Mr. T. Clanton, of Macon, alone being in nomination, and he having received the whole number of votes cast, viz: 66, was declared by the speaker to be duly and constitutionally elected assistant-clerk of the House of Representatives, and being qualified, entered upon the discharge of the duties of the office.

The House then proceeded to elect an engrossing clerk.

Thos. Taylor, of Montgomery, and Carter Edmonds of Talladega, were put in nomination.

Those who voted for Mr. Taylor are—

Messrs. Bethea, Brooks, Caffey, Chapman, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Frazer, Gafford, Goldthwaite, Hand, Hawthorn, Henry, Judkins, Ledbetter, Leeper, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Morse, Odum, Owens, Padgett, Pipkin, Reese, Robinson of Baldwin, Robinson of Chambers, Smith of Chocotaw, Smith of Jackson, Steadham, Thrasher, Vansandt, Walker, Williams of Jackson, and Wilhite—45.

Those who voted for Mr. Edmonds—

Messrs. Speaker, Ashford, Bankhead, Borden, Branden, Ellis of Calhoun, Freeman, Gibson, Goodwin, Humphrey, Lanier, Lawrence, Lindsay, Malone, McBee, McCain, McKinstry, Oliver, Palmer, Plowman, Potter, Raisler, Richardson, Sheffield, Tompkins, Warren—26.

Mr. Taylor having received a majority of all the votes cast, was declared by the Speaker to be constitutionally elected engrossing clerk of the House of Representatives, and after being qualified, proceeded to discharge the duties of the office.

The House then proceeded to elect a doorkeeper.

Mr. Robert C. Clark, of Coosa, and Mr. Martin Nall, of Montgomery, were put in nomination.

Those who voted for Mr. Clark are—

Messrs. Speaker, Ashford, Bankhead, Borden, Bourland, Brooks, Bush, Connelly, Cox, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goldthwaite, Hand, Henry, Humphrey, Judkins, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Malone, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, Meadors, Morse,

Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Thrasher, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, Willite—56.

Those who voted for Mr. Nall are—

Messrs. Bankhead, Caffey, Callaway, Chapman, Culver, Gafford, Goldthwaite, McMillan, Moore of Coffee, Robinson of Chambers, Stringer and Worthy—12.

Mr. Clark having received a majority of all the votes cast, was declared by the speaker to be constitutionally elected door-keeper of the House of Representatives, and after being qualified, proceeded to the discharge of the duties of his office.

Mr. Gibson offered the following resolution, which was adopted:

*Resolved*, That the "Rules of the House" and the "Joint rules for the government of the two Houses in Convention," in force at the close of the last session of the General Assembly of Alabama, be adopted for the government of this House.

Mr. Gibson offered the following resolution, which was adopted:

*Resolved*, That the Speaker appoint the following standing committees, viz:

- A Committee on the Judiciary.
- A Committee on Ways and Means.
- A Committee on Military Affairs.
- A Committee on Local Legislation.
- A Committee on Freedmen.
- A Committee on Federal Relations.
- A Committee on Internal Improvements.
- A Committee on Corporations.
- A Committee on Education.
- A Committee on Accounts and Claims.
- A Committee on the Penitentiary and State Capitol.
- A Committee on Public Printing.
- A Committee on Enrolled Bills.
- A Committee on Counties and County Boundaries.
- A Committee on Public Roads and Highways.

Message from the Senate by Mr. Taul:

*Mr. Speaker:*

The Senate has organized by the election of W. H. Crenshaw, President; Mr. Taul, Secretary; Wm. H. Garrett, Assistant Secretary; Sam'l W. Hutchison, Door Keeper, and is now ready to proceed to business.

Mr. McKinstry introduced the following resolution, which was adopted :

*Resolved*, That the Clerk notify the Senate that the House has organized by the election of Thos. B. Cooper, Speaker ; W. H. Fowler, Clerk ; T. Clanton, Assistant Clerk ; Thos. Taylor, Engrossing Clerk ; Robert C. Clarke, Door Keeper, and is now ready to proceed to business.

Message from the Senate by Mr. Taul :

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved*, That a committee of three be appointed on the part of each House to wait on the Provisional Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may have to make. Messrs. Sykes, Powell of Macon, and Ashley, committee on the part of the Senate.

The House concurred in the resolution of the Senate, and appointed Messrs. Bethea, Moore of Coffee, and Gafford committee on the part of the House, to wait upon the Provisional Governor.

Mr. Doster offered the following resolution, which was adopted :

*Resolved*, That the Door Keeper be authorized to employ one page for the House.

On motion of Mr. McKinstry the House took an informal recess.

On being called to order Mr. Gibson introduced "a bill to be entit'ed an act to appropriate money to pay the expenses of the present General Assembly," which was read one, two and three times, and passed under a suspension of the rules.

Mr. Bethea, from the Special Committee appointed to wait upon the Provisional Governor, reported that the committee had performed that duty, and that the Governor would make a communication to the House as soon as possible. Report received and committee discharged.

On motion of Mr. McKinstry, House adjourned till ten o'clock to-morrow:

HOUSE OF REPRESENTATIVES, }  
November 21, 1865. }

House met pursuant to adjournment.

Proceedings of yesterday were read and approved.

The following members appeared and were qualified:—

Clarke—Thos. B. Savage.

Dale—C. T. Cotten.

Fayette—Thos. Molloy, Alexander Cobb.

Franklin—Thos. Thorn.

Greene—Jno. G. Pierce, Robt. B. Waller.

Lauderdale—B. E. Bourland, E. McAlexander.

Lawrence—John M. Clark.

Marengo—James R. Jones.

Mobile—Francis B. Clark.

Perry—John Moore, Robt. D. Sturdivant.

Randolph—James L. Williams.

Sumter—W. V. Hare.

Talladega—J. W. Hardie.

Tuscaloosa—N. L. Whitfield, Jas. A. McLester.

Walker—John Manasco.

Mr. Doster introduced a resolution, which was adopted, viz  
*Resolved*, That the representatives of the press be invited to suitable seats on the floor of the House.

Mr. Bethea introduced the following resolution, which was adopted:

*Resolved*, That the convention of planters of Alabama have permission to use the hall of this house after 3 o'clock, p. m., of each day, during their session.

Mr. McCain offered the following, which was adopted:

*Resolved*, That a committee of three be appointed to invite the clergy to open the sessions by prayer.

#### CALL OF THE COUNTIES.

Bills were introduced by

Mr. Vansandt, to repeal an act therein named;

Mr. Beathea, to incorporate the Alabama Oil and Mining Company;

Mr. Jones, to aid in preserving peace in Alabama;

Mr. Leeper, in relation to working on public roads;

Mr. Leeper, to repeal an act entitled an act in relation to the appointment of apportioners and overseers of public roads, &c., which bills were read once and ordered to second reading.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has adopted the following resolution:

*Resolved*, By the Senate, the House concurring, that they



will proceed to the election of State Printers on Wednesday the 22d instant, at 12 o'clock, M.

Bills were introduced by :

Mr. Hare, for the protection of executors, administrators, guardians, trustees and attorneys. Read first time and ordered to second reading on to-morrow ;

By Mr. Hare, for the benefit of estates of deceased persons ;

Mr. Hare, to authorize the removal of the administration of the estate of Stephen F. Pool, deceased, from the probate court of Marengo county to the probate court of Sumter county.

Said bills were read severally the first and second times, under a suspension of the constitutional rule, and ordered to a third reading on to-morrow.

Mr. Hare introduced the following joint resolution :

Joint resolution in relation to the adoption of a code for the government of freedmen, and the relations of the white population with them :

*Resolved*, The Senate concurring, that a committee, to be composed of ——— members of each house, be raised for the purpose of preparing and reporting to the General Assembly, without delay, a suitable code for the government of the freedmen, including the freedwomen and children, and regulating the relations, duties, and liabilities of the white and colored populations to each other, with power to confer with such persons on the subject as they shall see fit.

Mr. Bethea, by leave from the House, offered the following as a substitute for the same, which was accepted by Mr. Hare and adopted by the House :

*Resolved*, That, with the consent of the Senate, a select committee of five members be appointed to act with a like committee to be appointed by the Senate, to which joint committee all bills, resolutions, or motions originating in either house in relation to freedmen of this State, and for their protection in the full enjoyment of all their rights of person and property, and to guard them and the State against the evils that may arise from their sudden emancipation, shall be referred, and so report by bill or otherwise ; and said committee be authorized to sit during the session, and to employ a clerk, if they deem it necessary.

The message from the Senate relative to holding the election of State Printers on Wednesday, the 22d instant, at 12 o'clock, was taken up, and the resolution concurred in.

On motion of Mr. Bethea, the clerk notified the Senate forthwith of the concurrence of the House, and also of its adoption, of the joint resolution relative to freedmen.

Mr. Thrasher offered the following resolution, which was adopted :

*Resolved*, That the door-keeper of the House be allowed to appoint another page.

On motion of Mr. Bethea, the House adjourned till to-morrow, ten o'clock.

WEDNESDAY, Nov. 22, 1865.

House met pursuant to adjournment.

Journal read and approved.

The following additional members appeared and were qualified :

Dallas—A. G. Mabry.

Marion—Winston Steadham.

St. Clair—G. W. Ash.

Washington—Geo. C. Younge.

Messrs. McCain, Caffey and Brandon, were appointed a committee to wait upon the clergy of this city, and invite them to open the sessions by prayer.

Mr. McKinstry offered the following resolution, which was adopted :

*Resolved*, With the concurrence of the Senate, that the two Houses meet in Convention in the Hall of the House of Representatives, on Wednesday, November 22d, 1865, at 12 o'clock M., to elect a Secretary of State for the State of Alabama.

Upon the call of the counties, the following bills were introduced :

Mr. Davis, a bill to authorize certain officers of Bibb county to make publication in the newspapers of Selma.

Mr. Smith of Choctaw, a bill to amend section 2175 of the Code of Alabama.

Mr. Varnant, a bill in reference to indictable offenses committed in the State of Alabama.

Mr. Mabry, a bill to incorporate the Selma Fire and Marine Insurance Company.

Which were severally read a first time and ordered to a second reading.

On motion by Mr. Mabry, the vote ordering to a second reading the bill to incorporate the Selma Fire and Marine Insurance Company, was reconsidered, and the bill was read a second time, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Clark of Mobile, a bill to incorporate the Citizens' Mutual Insurance Company of Mobile, which was read the first

and second times, under suspension of the rules, and referred to the Committee on the Judiciary.

Message from His Excellency the Governor, by Mr. Taylor, his Private Secretary :

*To the Senate and House of Representatives  
of the State of Alabama :*

The great events which have transpired since you were last in session, rendered necessary a Provisional Government in this State. By the authority of the President of the United States, one was established. Under it provisional civil authority has been inaugurated, and a Convention of the People of Alabama assembled at the Capitol on the 12th day of September last.

That body, in view of existing facts, adopted important amendments to the Constitution of our State, in order that Alabama might be restored to the exercise of all her political rights in the Union, continued military occupancy of the country rendered unnecessary, and her people permanently restored to the protection and benefit of civil law and order.

Its members, deeply impressed by the condition of our people and their affairs, regardless of their individual feelings, addressed themselves to the discharge of the solemn duties which devolved on them in a spirit of lofty patriotism and enlightened statesmanship.

Recognizing the fact that slavery and the right of secession had been destroyed by the result of the war, without consuming precious time in useless regrets, or worse than useless criminations, they declared the one forever prohibited, except as a punishment for crime, and quietly yielded the other, notwithstanding one-half of the entire property of the State was invested in the former, and many of them had been educated in the belief that "State Rights" included the latter.

Let us indulge the hope that the wisdom of their action may be more and more apparent as each successive year rolls round; and that our children's children for many generations to come will sit in this pleasant land of ours beneath their own roof trees, around their own firesides, in the midst of unnumbered blessings, and call them blessed, who had the wisdom and firmness under such trying circumstances, while surrounded by the ruin which attends and the exhaustion which follows four years of fierce and relentless war, to lay anew the foundations of government, and upon the broadest principles of liberty to all consistent with public good.

On you and your successors they devolved the duty of rearing a superstructure worthy of such a foundation.

#### OUR FEDERAL RELATIONS

Are steadily and favorably progressing. All seems now to be working well, and I trust the result will be a complete triumph of the President's policy of reconstruction or restoration at an early day. To render this certain we must omit on our part nothing which is necessary to put the State in line with him and those who sustain him in its adoption.

On the first of February, 1865, the Congress of the United States adopted a joint resolution, entitled "a resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States," as follows :

*"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which when ratified by three-fourths of said Legislatures shall be valid to all intents and purposes as a part of the said Constitution, namely :*

#### *Article XIII.*

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

A duplicate of this resolution and proposed amendment has been transmitted to me by the Secretary of State, with the request that the decision of the Legislature of Alabama may be taken upon the subject. It is accordingly laid before you with an earnest recommendation in favor of its prompt adoption by a unanimous vote. This being done, and laws enacted in obedience to the mandate of our own Constitution, which secure the freedmen full protection to person and property, the right of Alabama to her representation in the Congress of the United States, and her complete restoration to all her political rights, powers and privileges in the Union, will be accorded by her sister States, in Congress assembled, without unreasonable delay.

2. By an ordinance of the Convention, the provisional Governor of the State was requested to order an election for Representatives in Congress from this State. This was done, and

an election was held in the several districts, according to the laws of this State, in all respects as they existed on the 11th day of January, 1861, except as to the time of holding it. By the 4th section of the first article of the Constitution of the United States, the times, places and manner of holding such elections shall be prescribed in each State by the Legislature thereof. This was not unnoticed by the Convention, but the plan adopted was deemed the best that could be devised under the circumstances. To cure the defect, if it should be regarded as one, I recommend the passage of an Act ratifying what has been done in this behalf.

3. The Constitution makes it the duty of the Legislature, at this session, "to pass such laws as will protect the freedmen of this State in the full enjoyment of all their rights of person and property, and to guard them and the State against any evil that may arise from their sudden emancipation."

The duty here imposed is plain and imperative. In performing it, two things are to be borne in mind, viz: protection to the freedmen in the full enjoyment of their rights of person and property, and in such way as to guard them and the State against any evil that may arise from their sudden emancipation. Shall this be attempted by a code of laws entirely new, or by the passage of an act declaring that they shall receive the same protection which our laws secure to our non-voting white population?

Many difficulties are in the way of the first which will readily suggest themselves to all who have had any experience in legislation, but from which the last is entirely free. In the first place there will be great difference of opinion as to what is full protection, and as to the exact tenor of legislation necessary to secure it on the one hand and to guard the freedmen and the State on the other; but there can be no doubt that we, the law-making race, honestly think that our laws give full protection to those of our own race who have no voice in making them, and that those laws are so expressed as to guard them and the State from any evils that it is in our power to guard against by legislation.

Again, in the effort to frame such a code it would be exceedingly difficult, if not impossible, to divest the mind of the idea that it is legislating not for great principles, but for a class.

For these and many other reasons, after the most careful and earnest consideration, I have come to the conclusion that our interest as a people, especially that of the white race, will be promoted by the passage of an act declaring that freedmen shall have the same measure of protection which our laws secure to

our non-voting white population. This, with the adoption of vagrant laws, similar in most respects to those of Massachusetts, will demonstrate to the world that we are honestly endeavoring to meet both aspects of our new condition.

The idea of requiring a freeman to carry a pass at any time, but especially in time of peace, that he shall not be at liberty to hire himself for a less period than a month, and that he shall not be permitted to have *a light* in his dwelling after any given hour, is not only inconsistent with our American notions of freedom, but is utterly at war with them. Liberty and the "Curfew" cannot exist together.

When Columbus decided that the world was round, he boldly turned his ship westward upon an unknown sea in search of a new continent. He watched with vigilant eye the compass and its variations, but he faltered not in his purpose. What if his heart had failed him, and he had turned his ship to the shore from which he had sailed!

The people of Alabama in Convention assembled have forever prohibited slavery—in so doing they have forever established Liberty! Let us boldly, watchfully, and with unfaltering purpose, pursue the grand idea.

#### THE DESTITUTE AND INFIRM.

There were 139,042 destitute white persons, out of a population of 525,000, who were supplied by the State with meal and salt during last winter and spring until the surrenders which occurred in April and May. If the same ratio of destitution exists among the 440,000 blacks, it is manifest that we have about 250,000 persons in this State who must be furnished with food until they can raise it for themselves. The corn and small grain crops throughout the State are not more than one-fifth. This results from want of necessary labor and the severe drouth which has prevailed over most of our productive lands.

In view of this state of things, I addressed a letter to each probate judge calling for accurate information, and sent it by the returning members of the convention. Reports could not be sent in, for want of mail facilities, in time to lay the results before you at the opening of the session.

There is no reason to hope that the number which must be provided for will be much less than it was last year among the white population, and the ratio will probably be greater among the blacks, because of their peculiar situation at this time.

Our condition in this behalf has been made known to the

government of the United States. The President, and every member of his cabinet, manifest the liveliest interest, and express a ready willingness to aid us in every possible way.

With the approval of the President, the Secretary of War has issued orders that will, I trust, result in placing food within reach of every destitute person in Alabama at an early day. This will be accomplished through the agency of the Bureau of Refugees, Freedmen and Abandoned Lands. This Bureau is now organized and capable of extending its operations to every part of the State.

Under the able management of Major General Swayne, who is the Assistant Commissioner for this State, we have already experienced great advantages, and it is proper we should render him all the assistance in our power, now that his labors are to be greatly increased for the benefit of our people.

To that end, I recommend the appointment of a commissioner, with full power to act in concert with him, on the part of the State, in accomplishing the great object in view.

Prompt and efficient action will be necessary to prevent great suffering in many parts of the State. Already the cry for help is coming up from many who say, and with truth, they must perish unless it is extended to them. Thousands of those applicants are widows and orphans, made so, in most instances, by the fortunes of war. The soldier who survived, on his return to his family, arrived too late to plant a crop. He could only aid in cultivating that which his wife and children had planted. But the want of rain has disappointed his hopes, and he who has faced death in a thousand forms on the battle field, without falt ring, now trembles at the thought that those he loves best must starve for want of bread unless they receive help, and that right quickly.

I further recommend, as a matter of precaution, that the Governor be authorized to issue bonds of the State in payment for food, in case it should be necessary for the commissioner in behalf of the State to purchase it. Our bonds can be made available for that purpose when they cannot be sold in the money market.

#### STATE DEBT.

The following statement shows the entire debt of the State; how and when created, except the interest on the University and Common School Funds. This the State has assumed in perpetuity, and the annual interest is \$134,367 80.

Outstanding State Bonds issued for the capital of the State Bank and branches, viz :

Due in New York in 1863,	\$1,889,000,	5 per ct. int. payable 1st May and 1st Novr'.
“ “ “ 1865,	52,000,	5 per ct. int. payable 1st May and 1st Nov'r.
“ “ “ 1872,	168,000,	5 per ct. int. payable 1st May and 1st Nov'r.
“ London in 1866,	648,000,	5 per ct. int. payable 1st 1st Jan. and 1st July.
“ “ 1870,	683,000,	6 per ct. int. payable 1st June.

---

\$3,445,000

The annual int. on the Bonds payable in N. Y. is \$105,450 00

“ “ “ “ London is 80,370 13

The interest on the Bonds due in New York was paid up to and including the dividend due 1st November, 1861 ; and there has since accrued installments of interest in all amounting to..... \$421,800 00

Of which there has been paid at Bank of Mobile, 53,400 00

---

Leaving due and unpaid ..... \$368,400 00

The Bonds due in New York in 1863 were authorized to be extended by an Act passed at the called session of 1861. The new Bonds were issued and some of them given in exchange for those due in 1863.

The interest on the Bonds due in London was paid up to and including the dividend due 1st January, 1865, and there has since accrued as follows :

On 1st June, 1865, ..... \$45,028 21

On 1st July, 1866..... 17,670 96

---

Due and unpaid in London, ..... \$62,699 17

And there will be due on 1st January, 1866,..... 17,670 96

#### RECAPITULATION.

Due and unpaid on Bonds in New York,..... \$368,400 00

“ “ “ “ London,..... 62,699 17

---

\$431,099 17

Due in London on 1st January, 1866,..... 17,670 96

---

Total amount..... \$448,770 13



The following statement shows the amount of money borrowed in New York by John Whiting, Commissioner and Trustee, for the purpose of meeting the expenses of the Convention and the Provisional Government, September 14th, 1865. Borrowed from Chatham National Bank at twelve months from date, with three days grace, for which note of John Whiting, Commissioner and Trustee, endorsed by Lewis E. Parsons and John Whiting, was given and due 14-17 Sept., 1866, \$40,000 00

Less interest 12 months 3 days, . . . . .	\$2,823 01
Stamps on note . . . . .	20 05
Express charges from New York, . . . . .	75 00
Expenses of Comm'r to and from New York . . . . .	301 75-\$3,219 81
<hr/>	
Amount deposited in State Treasury, . . . . .	\$36,780 19

The State has the right to extend her bonds as they fall due. The Commissioner and Trustee should be authorized to do this, and also to liquidate the unpaid interest on them with bonds of the State, bearing the same interest and having the same time to run.

He should also be authorized to give assurance that the State will resume the payment of interest regularly on the 1st January, 1867, or the first of July thereafter. I have reason to believe that this can be done, therefore I recommend that provision be made to issue bonds for that purpose, and that the Commissioner be authorized to make this offer at an early day.

#### WAYS AND MEANS.

The current expenses of the State Government, until we can realize from taxes the means of meeting them, must be provided for.

The Comptroller's Report furnishes an estimate which he regards as sufficient to meet the demands of the present fiscal year.

In the present condition of the State with relation to the Union, it is impossible to enter the money market with the bonds in the usual way. I am authorized, however, in recommending that provision be made for the issue of bonds for \$1,500,000, having ten years to run and bearing eight per cent. interest. I have reason to believe that these bonds, or so many of them as we may need, can be negotiated.

## STATE PENITENTIARY.

Since the resumption of law and the establishment of the Courts, offenders are beginning to be received at the Penitentiary. The condition of the walls and buildings is not such as to insure the proper custody of the convicts, and I respectfully submit to your discretion such provision in relation to its repairs and police as will tend to the promotion of the object of its establishment. The report of the Warden will be laid before you.

## STATE SALT WORKS.

A considerable amount of the means of the State was invested in the purchase of machinery and other property necessary for the production of salt to supply the wants of the people, and much of that property is now in the hands of the late Salt Commissioner, subject to your disposition. Future action in reference to the State salines, the disposal of the property and the adjustment of the accounts of the Salt Commissioner, is left to your wisdom and discretion. Economy dictates that these things should be done promptly in order to secure the State from loss by deterioration of its property, and that the Commissioner be relieved from his responsibility. I respectfully refer you to his report submitted herewith.

## QUARTERMASTER'S DEPARTMENT.

The protracted illness and recent death of the late Quartermaster General of the State, General Duff C. Green, has prevented a formal official report from this Department being laid before your bodies, but the books and material are at hand, from which such report can be made, before your adjournment, and in time for such action as you may deem advisable. The duties of this office were multifarious and of such importance to the well-being and comfort of the citizen and the soldier, that at your last session a special joint committee was appointed to investigate its accounts and administration. A patient, laborious and protracted investigation proved the correctness of the accounts, and the proper administration of its affairs, and led to the adoption of the "Act to increase the efficiency of the Quartermaster's Department," which, limiting to some extent the duties, interposed more efficient checks and simplified the administration of the Department.

It will appear from a report herewith submitted, from the

late clerk of that department, that action on your part is necessary, as well for the settlement of the accounts of the various officers and agents of this Department, as for the disposition of such stores as now remain on hand. Some of these will be of service in the other Departments, while some should be disposed of to replenish the treasury.

I would also call your attention to the advances made by the State to contractors, in order that they may be held to proper accountability.

#### EDUCATION.

In the exhausted state of the treasury, the impoverishment of our people, and the incertitude of our affairs at the institution of the Provisional Government, I did not think it proper to appoint a Superintendent of Education, or to continue the State system while we were without means of communication. But it was not from indifference to the subject, or to the great wants of our people. The youth of our land have for more than four years suffered this want. Their education has been that of arms and strife; their training, that of the camp; their diplomas, mutilation and wounds. Youthful ardor led them from competency or comfort to the field; they return to toil and penury, to battle with the world for the means of subsistence. It, in the earlier scenes of their life, when peace and plenty abounded in the land, and they had never bound themselves to the heart of the State by suffering and toil for her, we felt it a solemn duty to provide for their mental and moral training, that we might make of their young hearts the glowing strength and power of the land, now that they have sealed their devotion and attested their love, we would be untrue to the principles of gratitude to refuse them the opportunity to attain that improvement of mind and culture of heart which will fit them for those stations of usefulness which they might and should honorably fill. Some of them have now passed the age for the enjoyment of these opportunities, but many more can avail themselves of the opportunity.

Orphanage points to the privations of the past, recalls the memory of the dead, and looks to the State for paternal care. Widowhood remembers the weary years in which she ate the bread of bitterness and toiled in the garments of mourning, and demands of the State that fostering care for her jewels which he who has fallen would have bestowed. Poverty looks back over the years of unrequited labor, in which all the energies of the family were required for support, and presents its claim for

those advantages of which it has been so long deprived. To the youth of our land we owe the blessing of that culture which will fit for future usefulness and honor to the State.

But further than this, the University and Common School funds are a sacred trust, and justice as well as sympathy and gratitude call for their proper disposal. We cannot, even if we would, avoid the duty thus imposed. As the State rises to resume its proper position, it does so with all the obligations it has assumed to execute the trusts confided to its keeping. I would respectfully recommend to your wisdom the adoption of such measures as will preserve and increase the efficiency of the system.

#### UNIVERSITY.

The destruction of the University buildings and its valuable library calls for your attention. Our youth must have education, and upon the State devolves the duty of providing for its own institution, so long the abode of learning, from which have gone forth so many of its honored sons. Denominational institutions of like character are prostrated by the storm which has swept over us, and the only hope now lies in the revival of our State University; nor can we make any better use of the means which are left us than in promoting the cause of education. I would respectfully recommend an appropriation for the rebuilding of the University, and to aid in the purchase of a library.

#### ASYLUM FOR THE DEAF AND DUMB.

I respectfully invite your attention to the report of this institution herewith presented. The claims of these unfortunates upon our sympathies are now stronger than ever before. The institution which has heretofore been the object of your bounty and received your fostering care, has for three years struggled with embarrassments and difficulties, but with success, and will, I trust, still receive, as it deserves, your generous aid. The success which has thus far attended its management in itself appeals for its continuance.

#### HOSPITAL FOR THE INSANE.

This institution, like the one last mentioned, still preserves its reputation, and amid many difficulties has continued to dispense its blessings to the unfortunate. Your generosity is in-

voked in its behalf both as a measure of benevolence and relief to our people. If our own institution should fail for want of means, many of these afflicted ones must seek their cure in other States at great expense, while many others will become pauper charges on their respective counties. Humanity and the good of society alike demand its continuance with unimpaired influence.

#### THE BATTLE FLAGS OF OUR VOLUNTEER REGIMENTS.

Several of these had been deposited in the Executive Department and were not removed when the Capitol was evacuated. They were not destroyed, however, by those who took possession of it, but came to my hand as the representative of the State for the time being, and are now carefully preserved and ready to be delivered to the Governor elected under the Constitution.

We should preserve these sacred souvenirs of the courage and endurance of those who went forth to battle under their folds, and who manfully upheld them with their life-blood.— They were our sons and brothers. Alas! that so many of them shall never return to us again. Shall we ever forget them? We cannot. We must be more or less than men if we could.

The brave and generous people with whom they fought do not expect it. They do not wish us to return to the Union divested of all manhood and natural feeling. They are proud to know that the survivors of the bloody fields on which they fought, are willing as true knights and brave men to accept the result of the battle and to rally once more round the Flag of our Fathers. They feel it will not be less secure in the future because our hands and hearts are united with theirs in its support.

May the blessings of Heaven forever rest on the efforts which are now making to reunite our gallant sons from the St. Lawrence to the Gulf, from the Atlantic to the Pacific.

Finally, gentlemen, let us take courage and be of good cheer. "Sorrow endureth for a night, but joy cometh with the morning."

The work for a long and laborious session is to some extent laid before you. May the spirit which animated the convention inspire each one of you in the performance of your important duties. The future of Alabama and of the white race as well as the black, under providence, now depends mainly upon you.

The land desires peace. The widowed wife, surrounded by

her fatherless children, with tearful eyes and uplifted hands silently prays for peace. The patriot and the statesman, as they survey the ruin and exhaustion which war has wrought, with lip compressed and throbbing brow, turn from the sad spectacle, and join the prayer for peace and a return to that industry whose fruits can alone restore the State to her former prosperity and power. The warrior sheathes his dripping sword and exclaims : "it is enough."

When these unite in a common prayer to the God of Peace, shall we not have the support and encouragement of those who are specially commissioned to preach "peace on earth and good will to men"? Will not our honored clergy point also to peace and lead the way?

I cannot close this communication without acknowledging in this public manner, the valuable assistance I have received from many distinguished citizens of the State, on whom I have freely called without distinction of former party or political views. And if our State has made any progress towards the end which all so earnestly desire, if our efforts shall be finally crowned with success, they will enjoy the satisfaction of having largely contributed to these results.

May the blessing of Him, without whose blessing "the builders labor in vain," rest on your endeavors.

LEWIS E. PARSONS,

Provisional Governor of Ala.

November 22d, 1865.

Mr Gibson introduced the following resolution:

*Resolved*, That the Message of His Excellency the Governor be referred to a special committee of three who shall report the proper reference of its several suggestions and recommendations, at an early day; and that two thousand copies thereof be printed for distribution.

Mr. Ellis moved that "five thousand" be inserted in the place of "two thousand."

Lost, and the original resolution was then adopted.

#### CALL OF THE COUNTIES.

Mr. Jones introduced a bill for the relief of the estate of B. McKinney, deceased.

Mr. Moore of Perry, a bill to give the Probate Court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county.

Which bills were severally read the first and second times,

under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Hawthorn introduced a bill to define the duties of administrators with the will annexed, which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Whitfield offered the following resolution, which was adopted :

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the practicability of securing the payment of taxes on sales of merchandise by non-resident or transient dealers who have located in business for periods less than a year, and that will transpire before the assessment and collection of taxes for the State at large is made, and report by bill or otherwise without delay.

Mr. Reese offered the following resolution, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of giving the magistrates of the State original jurisdiction in all crimes and misdemeanors less than felony, and report by bill or otherwise.

The hour of twelve having arrived, the Senate appeared within the Hall of the House, and the two Houses in joint Convention proceeded to the election of a State Printer.

Messrs. Gibson & Whitfield and Reid & Screws being in nomination, those who voted for Messrs. Gibson & Whitfield are—

Messrs. Deason, Edwards, Gage, Garrett, Jones, Lindsay, Montgomery, Powell of Tuscaloosa, Slaughter, Sykes, Winston, and Woodliff, of the Senate. Messrs. Ash, Ashford, Brandon, Bush, Clark of Lawrence, Cobb, Cotten, Edwards, Freeman, Hand, Leeper, Lindsey, Malone, Malloy, Manasco, McCain, McCann, McKinstry, McLester, Oliver, Plowman, Raisler, Thorn, Vansandt, Warren, Whitfield, of the House—38.

Those who voted for Reid & Screws are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Drake, Felder, Forney, Foster, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Stansel, Wilkinson and Wood, of the Senate. Messrs. Speaker, Bankhead, Bethea, Borden, Brooks, Caffey, Calloway, Chapman, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hare, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Ledbetter, Mabry, McAlexander, McBee, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Rich-

ardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Tompkins, Walker, Waller, Williams of Jackson, Williams of Randolph, Wilhite, Worthy, Yonge, of the House—SS.

Mr. Tompkins offered the following resolution, which was adopted.

*Resolved*, With the concurrence of the Senate, that the two Houses meet in convention in the hall of the House of Representatives, on Tuesday, the 28th instant, at the hour of 12 o'clock, M., to elect two United States Senators.

#### ORDERS OF THE DAY.

The bill to repeal an act therein named was read a second time, and referred to the Committee on Local Legislation.

The bills to incorporate the Alabama Oil and Mining Company ;

For the protection of Executors, Administrators, Guardians, Trustees and Attorneys ;

To aid in preserving peace in Alabama ;

Were each read a second time and referred to the Judiciary Committee.

The bills in relation to the appointment of apportioners and overseers of public roads, &c. ;

In relation to working on public roads ;

Were each read a second time and referred to the Committee on Public Roads and Highways.

The bill for the benefit of estates of deceased persons was made the special order for Wednesday, the 26th instant, at 12 o'clock, M.

The bill to authorize the removal of the administration of the estate of Stephen F. Pock, deceased, from the Probate Court of Marengo county, to the Probate Court of Sumter county, was made the special order for Wednesday, the 29th instant, at 12½ o'clock.

Mr. Mabry offered the following resolution, which was adopted :

*Resolved*, That the Door Keeper be, and he is hereby instructed to replace the inside shutters to the door of the House, and to provide spittoons for the use of the members.

On motion of Mr. Gibson, the House adjourned till ten o'clock, to-morrow.



THURSDAY, Nov. 23, 1865.

The House met pursuant to adjournment, and was opened by prayer by Rev. Mr. Tichener.

Journal of yesterday read and approved.

Mr. Tompkins asked for leave of absence for three days for his colleague, Mr. McKinstry, of Mobile, which was granted.

#### CALL OF THE COUNTIES.

Mr. Gibson introduced a bill to repeal section 728 of the Code of Alabama, which was read the first, second and third times under a suspension of the rules, when Mr. Tompkins raised a point of order, that the bill was informal because it was not in accordance with the requirements of the constitutional provision relating to the enactment of laws by the General Assembly.

The Speaker sustained the point of order.

Mr. Gibson appealed from the decision of the Speaker. The House sustained the Speaker.

The action of the House ordering the bill to a third reading was reconsidered, and the bill was referred to the Judiciary Committee.

Message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has amended the House resolution to go into the election of Solicitors, Comptroller of Public Accounts and State Treasurer, by inserting after the word "electing" the the words "Secretary of State," and being so amended, concurs in the same.

The amendment of the Senate was concurred in, and the Senate notified thereof.

Mr. Smith of Choctaw, introduced a bill to regulate the remedy for the enforcement of contracts made for the purchase of slaves.

Mr. Cobb, a bill to regulate judicial proceedings.

Each of which bills were read the first and second times under a suspension of the constitutional rule and referred to the Judiciary Committee.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved,* That the Senate, the House concurring, meet in

Convention in the hall of the House at 12 o'clock M. to day, for the purpose of counting the vote for Governor, cast at the late election.

The House concurred in the Senate resolution and notified the Senate of its action.

Mr. Reese introduced a bill to amend the charter of the Selma and Meridian Railroad Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Pierce introduced a bill for the relief of Margaret L. Estes and Niceny Estes and their sureties ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Williams of Jackson, introduced the following joint resolution, which was read the first time and ordered to a second reading on to-morrow :

Whereas, it is manifest that there exists now in the City of Montgomery, a very loathsome, infectious and dangerous disease, known as the Small Pox, only a little less alarming in its malignity and destructiveness to human life than that pestilence that walketh in darkness and stalketh abroad at noonday. Therefore,

*Be it Resolved by the Senate and House of Representatives, (the Senate concurring,) That when this House adjourns on Friday, the 24th inst., that it adjourn to meet in the town of Talladega, in the county of Talladega, in the State of Alabama, on Wednesday, the 29th inst., for the purpose of finishing the balance of the present session of the General Assembly of Alabama.*

Message from the Senate by Mr Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bill :

An act to authorize presiding Judges at special terms of the Circuit Court to organize grand juries.

Mr. Tompkins introduced a bill requiring the taking of the census of the State of Alabama for the year 1866 ;

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Lanier introduced a bill to authorize the Probate Court of Pickens county to grant an order to sell or lease the lands of Milton Giles, deceased.

Mr. Thrasher introduced a bill to authorize the Court of Probate of Macon county to grant letters of administration upon the estate of J. C. Slocum, late of Tallapoosa county ;

Which bills were read first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Thrasher introduced the following resolution ;

Which was adopted.

*Resolved*, That in addition to the standing committees heretofore raised, there shall be a committee on propositions and grievances, and a committee on destitution and supply.

Mr. Whitfield introduced a bill to incorporate the Alabama immigrant, white labor and real estate agency company.

Which was read the first and second times, under a suspension of the constitutional rule and referred to a select committee of five.

Bills were introduced—

By Hawthorn, to regulate advancements, and for other purposes.

Mr. Manasco—

Granting a stay of execution on all judgments and decrees of the several courts of this State ;

Which bills were each read a first and second times under a suspension of the constitutional rule and referred to the committee on the judiciary.

Mr. Goodwin offered the following resolution ;

Which was adopted.

*Resolved*, That General Braxton Bragg be invited to a seat on the floor of the Hall of the House of Representatives during his visit to the city, and that the clerk transmit a copy of this resolution to him.

Mr. Whitfield offered the following resolution ;

Which was adopted.

*Resolved*, That a committee of three physicians, members of this House, be appointed by the chair, with instructions to ascertain the facts as to the prevalence of Small Pox in this city, and report fully to this House, without delay.

#### VOTE FOR GOVERNOR.

The hour of 12 M. having arrived, the Senate by invitation, appeared within the Hall of the House of Representatives, and the two Houses in joint convention proceeded to count the vote for Governor of the State of Alabama at the late election.

The Speaker of the House of Representatives, in accordance

with the requirements of the Constitution, opened and published the returns as follows, from the following counties, to-wit:

COUNTIES.	For R. M. Patton...	For M. J. Bulger...	For W. R. Smith...
Autauga.....	302	391	63
Baldwin.....	121	5	46
Barbour.....			
Bibb.....			
Blount.....	340	323	19
Butler.....	386	149	263
Calhoun.....	833	353	120
Chambers.....	677	430	107
Cherokee.....	348	954	16
Clarke.....	301	5	178
Coffee.....	92	249	2
Conecuh.....	258	90	107
Coosa.....	364	1,003	30
Covington.....	42	135	40
Choctaw.....	178	31	267
Dale.....	174	404	
Dallas.....			
DeKalb.....	174	752	
Fayette.....	199	41	791
Franklin.....	998	105	79
Greene.....	677	93	348
Henry.....	597	32	
Jackson.....	809	724	55
Jefferson.....	281	166	439
Lawrence.....	383	519	7
Lauderdale.....	745	31	8
Limestone.....	510	180	
Lowndes.....	577	142	140
Macon.....	826	353	52
Mobile.....	150	1,518	96
Montgomery.....	931	464	49
Madison.....	1,182	435	19
Marshall.....	344	441	
Morgan.....	578	211	15
Monroe.....	501	114	43
Marion.....	171	29	463
Marengo.....	327	187	204
Perry.....	584	97	169

COUNTIES.	For R. M. Patton...	For M. J. Bulger...	For W. R. Smith...
Pike.....	626	357	93
Pickens.....	602	42	332
Randolph.....	53	257	427
Russell.....	347	667	30
Sumter.....	308	62	412
Shelby.....			
St. Clair.....	216	496	58
Talladega.....			
Tallapoosa.....	461	1,318	25
Tuscaloosa.....	437	1	1,109
Walker.....	91	138	280
Washington.....	21	1	111
Wilcox.....	682	25	39
Winston.....	8	240	19

Autauga gave Freeman 1 vote. Choctaw gave 2, and Monroe 8 for Cooper. Russell gave Watts 23, White 2, and Reese 1. Walker gave Fitzpatrick 4, and Rather 1. Wilcox gave Winston 1, and Bibb 1.

On motion of Mr. Lindsay of the Senate the Joint Convention adjourned until fifteen minutes before eleven o'clock A. M. on to-morrow, to continue counting the vote for Governor, and the Senate retired.

Mr. Mabry offered the following resolution, which was adopted:

*Resolved*, That the speaker be instructed to appoint a Standing Committee on Banks and Banking.

On motion by Mr. Goodwin the House adjourned until ten o'clock A. M., to-morrow.

FRIDAY, November 24, 1865.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of yesterday read and approved.

John Grant, of Mobile, appeared, and was qualified as a member.

On motion of Mr. Whitfield, the Senate bill to authorize presiding judges at special terms of the circuit court to organize grand juries, was taken up, read the first, second and third

times had passed, under a suspension of the constitutional rule; and the Senate was notified thereof forthwith.

The Speaker announced the following standing committees :

#### STANDING COMMITTEES.

*Judiciary*—Messrs. McKinstry, Whitfield, Ellis, Smith of Choctaw, Waller, Cox, Doster, Richardson, Bankhead, Goodwin and Meadors.

*Ways and Means*—Messrs. Whitfield, Bethea, Moore of Coffee, Brooks, Clark of Mobile, Echols, Waller, Bourland and Mabry.

*Military Affairs*—Messrs. Sheffield, Hardie, Manasco, Hand, Thrasher, Palmer, McAlexander, Brandon and Malone.

*Local Legislation*—Messrs. Gibson, Moore of Perry, Morse, McLester, McMillan, Vansandt, Odum, Manasco, and Steadham.

*Freedmen*—Messrs. Bethea, Moore of Coffee, Hare, Echols, Lanier, Worthy, Smith of Choctaw, Smith of Jackson, Judkins, Raisler, Robinson of Chambers, and Mabry.

*Federal Relations*—Messrs. Jones, Morse, Tompkins, Warren, Hawthorn, Williams of Jackson, Cox, Goldthwaite and Henry.

*Internal Improvements*—Messrs. Leeper, Mabry, Ellis, McLester, Caffey, Owen, Grant, Gibson, Lawrence, Freeman, and McCoy of Tallapoosa.

*Corporations*—Messrs. Tompkins, Pierce, Lanier, Clark of Lawrence, Bush, Borden, Humphrey, Bourland, Ash and Ashford.

*Education*—Messrs. Doster, Freeman, Moore of Perry, Borden, Potter, McCoy of Tallapoosa, Walker, Lanier, Young, Connelly and Bourland.

*Accounts and Claims*—Messrs. Gafford, Caffey, Culver, McBee, Ashford, Morse, Malloy, Bush, and Robinson of Baldwin.

*Penitentiary and State Capitol*—Messrs. Judkins, Pipkin, Crenshaw, Davis of Bibb, McCoy of Russell, Brandon, Robinson of Chambers, McCann, Caffey and Stringer.

*Public Printing*—Messrs. Cobb, Callaway, Chapman, Clark of Lawrence, Cotten, Edwards, Faulk, Frazer and Goldthwaite.

*Enrolled Bills*—Messrs. Pierce, Savage, Borden, Freeman, Cobb, Connelly, Palmer, Owens and Stringer.

*Counties and County Boundaries*—Messrs. Smith of Jackson, Potter, Ledbetter, McCain, McCann, Leeper, Oliver, Stringer, Ash, McBee and Henry.

*Public Roads and Highways*—Messrs. Thrasher, Steadham,

Williams of Raadolph, Sturdivant, Plowman, Lindsay, Davis of Barbour, Yonge and Ledbetter.

*Propositions and Grievances*—Messrs. Ellis, Bankhead, Goodwin, Brooks, Sturdivant, Frazer, Padgett, McCoy of Russell, Robinson of Baldwin and Hand.

*Destitution and Supply*—Messrs. Reese, Judkins, Grant, Hardie, Willhite, Sheffield, McBee, Malone, Padgett, McCain and Savage.

*Banks and Banking*—Messrs. Mabry, Bethea, Whitfield, Clark of Mobile, Dobson, Humphrey, McAlexander, Jones and Malloy.

Message from the Senate by Mr. Taul :

*Mr. Speaker :*

The Senate has passed the House bill to appropriate money to pay the expenses of the present General Assembly.

The Senate refuses to concur in the House resolution, proposing to appoint a joint committee of the two Houses on freedmen.

The Senate has amended the resolution of the House to elect two United States Senators on Tuesday next, by substitute, as follows :

*Resolved*, The House concurring, that the two Houses of the General Assembly convene in the hall of the House of Representatives on Tuesday the 28th instant, at 12 o'clock, M., for the purpose of electing a Senator in the Congress of the United States for the term of six years from the 4th of March, 1861.

The Senate has originated and passed the following bills :

To authorize the mayor and aldermen of the city of Tuscaloosa to levy a tax of one per cent. on the real and personal property within the limits of said city ;

To repeal an act authorizing the election of marshal of the city of Tuscaloosa, by the qualified voters of said city, approved, February 5th, 1840 ;

On motion by Mr. Cobb, it was ordered that three hundred copies of the Rules of the House and of the two Houses in joint convention, be printed for the use of the House.

Also, that one hundred copies of the Standing Committees of the House be printed for its use.

Mr. Reese, from the select committee of Physicians to enquire concerning small pox in the city, made the following report :

We, the committee to whom was referred the subject of as-

certaining the extent of the prevalence of small pox in the city of Montgomery, beg leave to report as follows :

1st. That they have diligently made enquiry of, and sought information from the mayor of the city, the city marshal and his under officers who have the control and management of the deceased, together with many of the city physicians, whose duty it is to report to the city authorities, under a heavy penalty and fine, these facts, to-wit :

That there are about one hundred and twenty-five cases in the various stages of the disease in the pest house, beyond the limits of the city ; that the disease prevails in six or seven white families in the outskirts of the city, and not near principal streets, and among the poorer classes ; that only two cases (of blacks) have been reported to-day, and we are of opinion that the disease is decreasing ; that most of the cases are mild varioloid ; that a strong police guard is actively and constantly employed in looking out for and promptly removing to the pest house every case on its first appearance.

Your committee, therefore, are of opinion that there is no danger of contracting the disease in this city with ordinary prudence, and would recommend to the members of this House as a preventive and precautionary step, vaccination.

J. T. REESE, M. D.,

J. R. JONES, M. D.,

A. N. WORTHY, M. D.,

Committee.

Mr. Whitfield offered the following resolution, which lies over one day under the rules of the House :

*Resolved*, That the rules of this House be amended so as to authorize the chair to appoint a larger number than nine members on such of the standing committees as in his judgment may require such addition.

The hour of fifteen minutes before eleven o'clock, A. M., having arrived, the Senate by invitation appeared within the hall of the House, and the two Houses in joint convention, pursuant to adjournment, continued the count of the vote for Governor of the State of Alabama cast at the late election.

The Speaker opened and published the returns from the following counties, as follows, to-wit :

	PATTON.	BULGER.	SMITH.
Talladega.....	247	835	210
Dallas.....	320	222	406
Barbour.....	876	291	12
Bibb.....	177	131	397

and announced the result as follows :



Vote cast for Robert M. Patton, 21,422 ; M. J. Bulger, 15,234 ; W. R. Smith, 8,194.

Mr. Patton having received a majority of all the votes polled in the State of Alabama, on the first Monday in November, 1865, as appears by legal returns, Mr. Speaker declared him duly and constitutionally elected Governor of the State of Alabama for the term prescribed by the constitution.

The hour of twelve o'clock having arrived, at which the two houses agreed to meet in joint convention for the purpose of electing a Secretary of State, Solicitors for the judicial circuits of the State, Comptroller of Public Accounts, and State Treasurer, the houses in joint convention proceeded to said elections.

Mr. Albert Elmore, of Autauga, alone being in nomination for Secretary of State of the State of Alabama, and having received all the votes cast, (one hundred and twenty-six,) was declared by Mr. Speaker to be duly and constitutionally elected for the term prescribed by law.

The two houses in joint convention proceeded to the election of a Solicitor for the first judicial circuit, Messrs. W. J. Mims, of Dallas, S. W. McCraw, of Dallas, and R. J. Reid, of Perry, being in nomination.

Those who voted for Mr. Mims are :

Messrs. President, Denson, Fuller, Montgomery, Stansel of the Senate ; Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Clark of Mobile, Doster, Gibson, Goldthwaite, Hand, Hardie, Henry, Humphrey, Julkins, Jones, Lanier, Leeper, Lindsay, Mabry, McAlexander, McCann, Meadors, Oliver, Palmer, Sturdivant, Tarasher, Warren, of the House—33.

Those who voted for Mr. McCraw are :

Messrs. Caster, Cooper, Drake, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Norwood of the Senate ; Messrs. Callaway, Clark of Lawrence, Cotton, Davis of Bibb, Dobson, Frazer, Freeman, Hawthorne of the House—17.

Those who voted for Mr. Reid are :

Messrs. Ashley, Burnes, Bell, Edwards, Forney, Foster, Gage, Garrett, Jones, Mitchell, Moran, Powell of Macon, Powell of Tuscaloosa, Sykes, Wilkinson, Winston, Wood of the Senate ; Messrs. Ashford, Bunkhead, Brooks, Bush, Caffey, Chapman, Cobb, Cox, Crenshaw, Davis of Barbour, Echols, Edwards, Ellis, Gairford, Goodwin, Grant, Hare, Lawrence, Ledbetter, Lindsay, Malone, Malloy, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Moore of Perry, Morse, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinsor

of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Tompkins, Waller, Whitfield, Williams of Randolph, Willite, Worthy, of the House—67.

Mr. Reid having received a majority of all the votes cast, was declared duly and constitutionally elected Solicitor of the 1st Judicial Circuit.

The two Houses in joint Convention then proceeded to the election of a Solicitor for the 2d Judicial Circuit.

Messrs. E. J. Fitzpatrick of Montgomery and Thomas H. Smith of Coosa being in nomination,

Those who voted for Mr. Fitzpatrick are—

Messrs. President, Ashley, Cooper, Drake, Edwards, Felder, Forney, Foster, Jackson of Morgan, Jones, Kilpatrick, Mitchell, Norwood, Powell of Macon, Winston and Woodliff, of the Senate. Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Caffey, Clark of Mobile, Cobb, Connelly, Cox, Crenshaw, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hare, Lawrence, Ledbetter, Mabry, Malloy, Manasco, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Tompkins, Walker, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—71.

Those who voted for Mr. Smith are—

Messrs. Barnes, Bell, Castens, Deason, Gage, Garrett, Huckabee, Jackson of Lauderdale, Lindsay, Montgomery, Moren, Davis of Bibb, Edwards, Freeman, Gafford, Hand, Hardie, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Leeper, Lindsey, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Morse, Odum, Plowman, Potter, Raisler, Robinson of Chambers, Savage, Smith of Choctaw, Thorne, Vansandt, Warren, Williams of Jackson, and Yonge, of the House—59.

Mr. Fitzpatrick having received a majority of all the votes cast, was declared duly and constitutionally elected Solicitor of the 2d Judicial Circuit for the term prescribed by law.

The two Houses in joint Convention then proceeded to the election of a Solicitor for the 3d Judicial Circuit.

Messrs. Alberto Martin of Jefferson, J. T. Leeper of Shelby, and B. B. Lewis of Shelby being in nomination,

Those who voted for Mr. Martin are—

Messrs. President, Ashley, Barnes, Castens, Edwards, Forney, Foster, Gage, Jackson of Morgan, Kilpatrick, Mitchell, Nor-

wood, Powell of Tuscaloosa, Stansel, Wilkinson, and Woodliff, of the Senate. Messrs. Speaker, Ashford, Bankhead, Bethea, Brandon, Brooks, Caffey, Clark of Mobile, Cox, Crenshaw, Davis of Barbour, Echols, Ellis, Gibson, Grant, Henry, Lanier, Ledbetter, Lindsay, McAlexander, McLester, McCoy of Tallapoosa, McMillan, Moore of Perry, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Williams of Jackson, Williams of Randolph, and Worthy, of the House—54.

Those who voted for Mr. Leeper are—

Messrs. Cooper, Drake, Garrett, Jones, Montgomery, Sykes, and Winston, of the Senate. Messrs. Ash, Borden, Bush, Chapman, Clark of Lawrence, Cobb, Culver, Davis of Bibb, Dobson, Edwards, Freeman, Gafford, Hand, Hardie, Hawthorn, Lawrence, Leeper, Malone, Malloy, Manasco, McCain, McCann, Moore of Coffee, Odum, Oliver, Plowman, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren, and Wilhite, of the House—40.

Those who voted for Mr. Lewis are—

Messrs. Bell, Felder, Huckabee, Jackson of Lauderdale, Lindsay, Moren, Powell of Macon, and Wood, of the Senate; Messrs. Bourland, Connelly, Doster, Frazer, Goldthwaite, Humphrey, Judkins, Mabry, McBee, McCoy of Russell, Meadors, Owens, Palmer, Potter, Reese, Savage, Stringer, Waller, Whitfield, and Younge, of the House—28.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to vote a second time.

Mr. Moren of the Senate withdrew the name of Mr. B. B. Lewis.

Those who voted for Mr. Martin are—

Messrs. President, Ashley, Barnes, Bell, Castens, Edwards, Felder, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, and Woodliff, of the Senate; Messrs. Speaker, Ashford, Bankhead, Bethea, Brandon, Brooks, Caffey, Callaway, Clark of Mobile, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hare, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Mabry, McAlexander, McBee, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Perry, Owens, Palmer, Padgett, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Stringer, Sturdivant, Thrasher, Walker, Waller, Whitfield, Williams of

Jackson, Williams of Randolph, and Worthy, of the House—81.

Those who voted for Mr. Leeper are—

Messrs. Cooper, Drake, Garrett, Jones, Montgomery, Sykes, and Winston, of the Senate; Messrs. Ash, Bourland, Bush, Chapman, Clark of Lawrence, Cobb, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Hand, Hardie, Hawthorn, Lawrence, Leeper, Malone, Malloy, Manasco, McCain, McCann, Moore of Coffee, Odum, Oliver, Plowman, Potter, Savage, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, White, and Yonge, of the House—42.

Mr. Martin having received a majority of all the votes cast, was declared duly and constitutionally elected Solicitor of the 3d Judicial Circuit for the term prescribed by law.

The two Houses in joint convention then proceeded to the election of a Solicitor for the 4th Judicial Circuit.

Messrs. Joseph H. Sloss, Daniel Coleman, Alexander McAlexander, S. M. Morrow and H. C. Speake were put in nomination.

Those who voted for Mr. Sloss are—

Messrs. President, Castens, Felder, Garrett, Lindsay, and Wood, of the Senate; Messrs. Borden, Caffey, Goldthwaite, Goodwin, Lanier, and Mabry, of the House—20.

Those who voted for Mr. Coleman are—

Messrs. Drake, and Jackson of Morgan, of the Senate; Messrs. Speaker, Bankhead, Bethea, Bush, Crenshaw, and Grant, of the House—11.

Those who voted for Mr. McAlexander are—

Messrs. Ashley, Cooper, Forney, Foster, Jackson of Lauderdale, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, and Woodlief, of the Senate; Messrs. Bourland, Brooks, Clark of Mobile, Cobb, Cox, Doster, Frazer, Gafford, Gibson, Hardie, Hare, Hawthorn, Juckins, and Jones, of the House—42.

Those who voted for Mr. Morrow are—

Messrs. Edwards, and Huckabee, of the Senate; Messrs. Ash, Callaway, Connelly, Cotten, Ellis, Freeman, Leeper, Manasco, McLester, Owens, Waller, and Whitfield, of the House—14.

Those who voted for Mr. Speake are—

Messrs. Barnes, Bell, Deason, Gage, Jones, Montgomery, Sykes, and Winston, of the Senate; Messrs. Ashford, Brandon, Chapman, Clark of Lawrence, Culver, Davis of Bibb, Dobson, Echols, Edwards, Hand, Henry, Humphrey, Lawrence, Ledbetter, Lindsey, Malone, Malloy, McCann, Morse, Palmer, Padg-

ett, Plowman, Potter, Smith of Jackson, Steadham, Vansandt, Walker, Warren, Williams of Jackson, Wilhite, and Yonge, of the House—39.

Neither candidate having received a majority of all the votes cast, the convention proceeded to vote a second time.

Messrs. Coleman and Morrow were withdrawn.

Those who voted for Mr. Sloss are—

Messrs. Castens, Felder, Garrett, Lindsay, and Wood, of the Senate; Messrs. Bankhead, Borden, Caffey, Ellis, Goodwin, McBee, McCoy of Russell, McMillan, Owens, Robinson of Chambers, Savage, Sheffield, Thrasher, and Thorn, of the House—19.

Those who voted for Mr. McAlexander are—

Messrs. President, Ashley, Cooper, Drake, Forney, Foster, Huckabee, Jackson of Lauderdale, Kilpatrick, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Wilkinson, and Woodliff, of the Senate; Messrs. Bethea, Bourland, Brooks, Callaway, Clark of Mobile, Cox, Davis of Bibb, Doster, Frazer, Gafford, Gibson, Goldthwaite, Grant, Hardie, Hare, Hawthorn, Judkins, Jones, Lanier, Mabry, McAlexander, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore of Perry, Odum, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Stringer, Sturdivant, Tompkins, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—56.

Those who voted for Mr. Speake, are—

Messrs. Barnes, Bell, Deason, Edwards, Gage, Jackson of Morgan, Jones, Montgomery, Sykes, and Winston of the Senate; Messrs. Speaker, Ash, Ashford Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Crenshaw, Culver, Davis of Barbour, Dobson, Echols, Edwards, Freeman, Hand, Henry, Humphrey, Lawrence, Ledbetter, Leeper, Lindsay, Malone, Mallory, Manasco, McMunn, Morse, Oliver, Palmer, Pagett, Plowman, Potter, Raisler, Smith of Jackson, Steadham, Vansandt, Walker, Warren, Williams of Jackson, Wilhite, and Yonge, of the House—52.

Neither of the candidates having received a majority of all the votes cast,

The name of Mr. Sloss was withdrawn, and the convention proceeded to vote the third time.

Those who voted for McAlexander, are—

Messrs. President, Ashley, Cooper, Drake, Felder Forney, Foster, Huckabee, Jackson of Lauderdale, Fitzpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, and Woodliff, of the Senate;

Messrs. Bankhead, Bethea, Borden, Baurland, Brooks, Caffey, Callaway, Clark of Mobile, Cotten, Cox, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hardie, Hare, Hawthorn, Jones, Lanier, Mabry, Manasco, McAlexander, McCain, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Stringer, Sturdivant, Thrasher, Thorne, Tompkins, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—68.

Those who voted for Mr. Speake, are—

Messrs. Bell, Castens, Deason, Edwards, Gage, Garrett, Jackson of Morgan, Jones, Montgomery, Sykes, Winston, and Wood, of the Senate; Messrs. Speaker, Ash, Ashford, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Creunshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Edwards, Freeman, Hand, Henry, Humphrey, Judkins, Lawrence, Ledbetter, Leeper, Lindsay, Malone, Malloy, McBee, McCann, Oliver, Palmer, Padgett, Plowman, Potter, Raisler, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadman, Vansandt, Walker, Warren, Williams of Jackson, Wilhite, and Yonge, of the House—58.

Mr. McAlexander having received a majority of all the votes cast, was declared duly and constitutionally elected Solicitor for the 4th Judicial Circuit, for the term prescribed by law.

Mr. Goodwin, of the House, moved to adjourn till eleven o'clock to-morrow. Lost.

Mr. Manasco, of the House, moved to adjourn till ten o'clock to-morrow. Lost.

Mr. Mabry of the House, moved to adjourn till three o'clock, p. m. Lost.

The two Houses in joint convention then proceeded to vote for Solicitor of the 5th Judicial Circuit.

Messrs. John D. Weeden, Wm. M. Lowe, J. B. Walden, A. S. Fletcher, John Ryan, Thos. C. Barclay, and J. W. Hampton, being in nomination,

Those who voted for Mr. Weeden, are—

Messrs. Edwards, and Stansel, of the Senate; Messrs. Doster, Gibson, Meadors, Palmer, and Pipkin, of the House—7.

Those who voted for Mr. Lowe, are—

Messrs. Barnes, Cooper, Drake, Felder, Gage, Garrett, Huckabee, Jackson of Lauderdale, Kilpatrick, Mitchell, and Powell of Macon, of the Senate; Messrs. Bankhead, Bethea, Brooks, Caffey, Cox, Echols, Frazier, Goodwin, Hawthorn, Humphrey, Judkins, Jones, Mabry, McCoy of Russell, McMillan, Moore

of Perry, Morse, Odum, Pierce, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Vansandt, and Whitfield, of the House—39.

Those who voted for Mr. Walden, are—

Messrs. President Bell, Castens, Forney, Foster, Jones, Montgomery, Moren, Sykes, Winston, and Woodliff, of the Senate; Messrs. Speaker, Ash, Borden, Brandon, Callaway, Clark of Mobile, Cobb, Connelly, Cotton, Culver, Dobson, Edwards, Ellis, Goldthwaite, Hardie, Lawrence, Malone, Malloy, McBee, McCain, McCam, Owens, Plowman, Potter, Robinson of Chambers, Steadham, Williams of Randolph, Willhite, and Worthy, of the House—40.

Those who voted for Mr. Fletcher, are—

Mr. Jackson of Morgan, of the Senate. Messrs. Bourland, Grant, Ledbetter, McAlexander, McCoy of Tallapoosa, Raisler, Thorn, Waller, and Yonge, of the House—10.

Those who voted for Mr. Ryan, are—

Messrs. Ashley, Norwood, and Wood, of the Senate. Messrs. Bush, Chapman, Clark of Lawrence, Freeman, Hare, Leeper, Padgett, Walker, and Williams of Jackson, of the House—13.

Those who voted for Mr. Barclay, are—

Mr. Lindsay, of the Senate. Messrs. Hand, Sheffield, Smith of Jackson, of the House—4.

Those who voted for Mr. Hampton, are—

Messrs. Deason, Powell of Tuscaloosa, and Wilkinson, of the Senate. Messrs. Davis of Barbour, Davis of Bibb, Gafford, Henry, Lanier, Lindsey, McLester, Moore of Coffee, and Stringer, of the House—12.

Neither of the candidates having received a majority of all the votes cast,

Mr. Barnes, of the Senate, moved to adjourn until eleven o'clock to-morrow. Lost.

Mr. Felder, of the Senate, moved to adjourn until ten o'clock to-morrow. Lost.

Messrs. Weeden and Barclay were then withdrawn.

The Convention then proceeded to vote a second time.

Those who voted for Mr. Lowe, are—

Messrs. Barnes, Cooper, Drake, Felder, Gage, Garrett, Jackson of Lauderdale, Kilpatrick, Mitchell, Powell of Macon, Stansel, and Sykes, of the Senate. Messrs. Bankhead, Bethea, Brooks, Caffey, Clark of Lawrence, Cox, Crenshaw, Doster, Echols, Frazer, Gafford, Gibson, Goodwin, Hare, Hawthorn, Judkins, Jones, Lanier, Mabry, McAlexander, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Pierce, Raisler, Richardson, Rob-

inson of Baldwin, Robinson of Chambers, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Vansandt, Waller, and Whitfield, of the House—55.

Those who voted for Mr. Walden are—

Messrs. President, Cell, Castens, Edwards, Foiney, Foster, Jones, Montgomery, Moren, Powell of Tuscaloosa, Wilkinson, and Woodliff, of the Senate. Messrs. Speaker, Ash, Borden, Branden, Callaway, Chapman, Clark of Mobile, Cobb, Connolly, Cotten, Culver, Davis of Barbour, Debson, Edwards, Ellis, Goldthwaite, Hand, Hardie, Lawrence, Leeper, Malone, Malloy, McBee, McCain, McCann, McLester, Pipkin, Plowman, Potter, Savage, Steadham, Stringer, Warren, Williams of Randolph, Wilhite and Worthy, of the House—49.

Those who voted for Mr. Fletcher are—

Messrs. Ashford, Eouland, Humphrey, Ledbetter, Palmer, Thorn, and Yonge, of the House—7.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Jackson of Morgan, Lindsay, Norwood and Wood, of the Senate. Messrs. Bush, Freeman, Grant, Padgett, Walker, Williams of Jackson, of the House—11.

Those who voted for Mr. Hampton, are—

Mr. Deason, of the Senate. Messrs. Davis of Bibb, McCoy, of Tallapoosa, Henry and Sheffield, of the House—4.

Neither of the candidates having received a majority of all the votes cast,

Mr. Manasco, of the House, moved to adjourn till ten o'clock to-morrow. Lost.

Messrs. Fletcher, Ryan and Hampton were withdrawn.

The Convention then proceeded to ballot a third time.

Those who voted for Mr. Lowe, are—

Messrs. Cooper, Drake, Felder, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Lowell of Macon, and Stansel, of the Senate. Messrs. Bankhead, Betha, Brooks, Bush, Caffey, Clark of Lawrence, Cox, Crenshaw, Davis of Bibb, Dester, Echols, Frazer, Freeman, Gafford, Gibson, Goodwin, Grant, Hare, Hawthorn, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Mabry, McAlexander, McCain, McCoy of Tallapoosa, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Raiserler, Recse, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Whitfield, and Yonge, of the House—70.

Those who voted for Mr. Walden are—



Messrs. President, Ashley, Bell, Castens, Deason, Edwards, Orney, Foster, Jones, Montgomery, Moren, Powell of Tuscaloosa, and Stansel, of the Senate. Messrs. Speaker, Ash, Boren, Bourland, Brandon, Callaway, Chapman, Clark of Mobile, Cobb, Connelly, Culver, Davis of Barbour, Dobson, Edwards, Ellis, Goldthwaite, Hand, Hardie, Lawrence, Malone, Malloy, Manasco, McBee, McCann, McLester, Oliver, Pipkin, Plowman, Potter, Savage, Steadham, Stringer, Walker, Warren, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy, of the House—54.

Mr. Lowe having received a majority of all the votes cast, was declared duly and constitutionally elected Solicitor for the 5th judicial circuit for the term prescribed by law.

Mr. Lindsay, of the Senate, moved to adjourn till eleven o'clock to-morrow.

On motion of Mr. Richardson, of the House, the Convention adjourned till ten o'clock to-morrow, and the Senate retired.

By leave, Mr. Goodwin offered the following resolution, which was adopted :

*Resolved*, That the use of the hall of the House of Representatives be tendered for this evening to the citizens of Alabama who desire to form an historical association to perpetuate the memory of Alabamians who have died in the service of the country.

By leave, Mr. Gibson offered the following resolution, which was adopted :

*Resolved*, By the House of Representatives, the Senate concurring, that the two houses of the General Assembly will meet in convention in the hall of the House at twelve o'clock, M., on Saturday the 25th instant, for the purpose of electing Chancellors for the Northern, Middle, and Southern Chancery Divisions of the State of Alabama, and a Warden of the State Penitentiary.

Mr. Speaker appointed Messrs. Mabry, Waller, Brooks, Bethea and Jones, a committee to whom was referred the bill of the Alabama Immigrant White Labor and Real Estate Agency Company.

On motion, the House adjourned till ten o'clock to-morrow.

SATURDAY, November 25, 1865.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Reading of the Journal of yesterday was dispensed with,

And, by leave, Mr. Mabry introduced a bill to increase the fees of jailors of the State of Alabama, which was read the first,

second and third times and passed, under a suspension of the constitutional rule, and ordered forthwith to the Senate.

Also, a joint resolution to authorize the Governor to contract for a loan for the State, which was read the first, second and third times, was reconsidered and amended by striking out the word "provisional" before Governor, read the third time and adopted under a suspension of the constitutional rule.

By leave, also, Mr. Gibson made the following report :

The Special Committee to whom were referred the message of his excellency the Governor, with instructions to report the proper reference of its several suggestions and recommendations to appropriate committees, have had the same under consideration, and have instructed me to make the following report, and recommend its adoption :

That so much of the message of His Excellency as relates to the recent general election held in this State under authority from the State Convention, and the recommendation that the same be ratified by the General Assembly, be referred to the Committee on the Judiciary ;

That so much of said message as refers to the State debt, report of comptroller, taxation, issuance and sale of bonds, salt works, and quartermaster's department, be referred to the Committee on Ways and Means.

That so much of said message as refers to the "University School Fund," and the education of the destitute orphan children of Alabama, and the Asylum for the Insane, Deaf and Dumb, and the reports therefrom, be referred to the Committee on Education ;

That so much of said message as refers to the State Penitentiary and its police regulations, be referred to the Committee on the Penitentiary and State Capitol ;

That so much thereof as relates to proposed amendments of the Constitution of the United States be referred to the Committee on Federal Relations ;

That so much thereof as relates to the freedmen of Alabama, and the laws and regulations for their government, be referred to the Committee on Freedmen ;

That so much thereof as relates to the destitution existing in our State, and the relief to be provided therefor, be referred to the Committee on "Destitution and Supply" ;

That so much thereof as refers to the organization of the militia of the State and kindred subjects be referred to the Committee on "Military Affairs" ;

All of which is respectfully submitted.

A. M. GIBSON, Chairman.

Message from the Senate by Mr. Bradford :

*Mr. Speaker :*

The Senate has amended the resolution of the House, proposing that the two Houses meet in convention to-day to elect Chancellors of the several divisions of the State, and a "Warden of the Penitentiary," by striking out Warden of the Penitentiary, and, as amended, concurs in the same.

The House concurred in the amendment of the Senate.

The hour of ten o'clock having arrived, the Senate by invitation appeared within the hall of the House of Representatives, and the two Houses, in joint convention, pursuant to adjournment, continued the election of Solicitors, Comptroller of Public Accounts, &c.

The two Houses then proceeded to elect a Solicitor for the 6th Judicial Circuit of the State of Alabama.

Messrs. James Bond and Thos. McCartney being in nomination, those who voted for Mr. Bond are—

Messrs. President, Ashley, Bell, Castens, Cooper, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Montgomery, Moren, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Wilkinson, Winston, Wood, Woodlief, of the Senate ; Messrs. Speaker, Ash, Bethea, Bourland, Brandon, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Ellis, Frazer, Goldthwaite, Grant, Hawthorne, Henry, Humphrey, Lawrence, Leeper, Lindsay, Mabry, Malone, Malloy, Manasco, McAlexander, McCann, McLester, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Padgett, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Steadham, Stringer, Trasher, Tompkins, Waller, Warren, Williams of Jackson, Williams of Raudolph, Wilhite, and Yonge of the House—85.

Those who voted for Mr. McCartney are—

Messrs. Barnes, Drake, Felder, Forney, Jackson of Lauderdale, Kilpatrick, Lindsay, Mitchell, Norwood and Powell of Macon, of the Senate. Messrs. Bankhead, Borden, Callaway, Culver, Davis of Bibb, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Hare, Judkins, Lanier, Ledbetter, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Palmer, Pierce, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Sturdivant, Thorn, Vansandt, Walker, Whitfield, and Worthy, of the House—44.

Mr. Bond having received a majority of all the votes cast,

was declared by the Speaker to be duly and constitutionally elected Solicitor for the 6th Judicial Circuit, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Solicitor for the 7th Judicial Circuit of the State of Alabama.

Messrs. Frank P. Snedecor, G. W. Coleman, Eugene McCaa, Robt. T. Harris, J. J. Jolly, and Jos. C. Jones being in nomination.

Those who voted for Mr. F. P. Snedecor are—

Messrs. Lindsay, Powell of Tuscaloosa, and Sykes, of the Senate. Messrs. Ash, Clark of Mobile, Hare, Tompkins, and Wilhite, of the House—9.

Those who voted for Mr. Coleman are—

Messrs. Ashley, Bell, Castens, Drake, Edwards, Foster, Gage, Jackson of Morgan, Jones, Montgomery, and Winston, of the Senate. Messrs. Speaker, Bankhead, Bethea, Brooks, Chapman, Clarke of Lawrence, Cobb, Connelly, Davis of Bibb, Dobson, Edwards, Ellis, Freeman, Hand, Hare, Henry, Judkins, Lawrence, Leeper, Lindsay, Malloy, Manasco, McCann, McCoy of Tallapoosa, Meadors, Moore of Perry, Morse, Owens, Padgett, Plowman, Potter, Raisler, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Vansandt, Walker, Williams of Randolph, and Yonge, of the House—50.

Mr. Lanier voted for Mr. McCaa.

Those who voted for Mr. Jolly are—

Messrs. Barnes, Deason, Felder, Garrett, and Stansel, of the Senate. Messrs. Doster, Goldthwaite, Grant, McBee, McMillan, Palmer, Pierce, Robinson of Baldwin, Sheffield, and Waller, of the House—15.

Those who voted for Mr. Jones are—

Messrs. President, Jackson of Lauderdale, Mitchell, Moren, Norwood, Powell of Macon, Slaughter, Wilkinson, Wood of the Senate; Messrs. Bourland, Brandon, Bush, Caffey, Calloway, Cotten, Crenshaw, Culver, Echols, Frazer, Gafford, Gibson, Hardie, Hawthorne, Humphrey, Mabry, Malone, McAlexander, McCoy of Russell, Moore of Coffee, Olum, Pipkin, Richardson, Savage, Stringer, Thorne, Warren, Williams of Jackson, and Worthy of the House—38.

Those who voted for Mr. Harris are—

Messrs. Cooper, Forney, Huckabee, Kilpatrick, Woodlief of the Senate; Messrs. Borden, Cox, Davis of Barbour, Goodwin, Jones, Ledbetter, McCain, Oliver, Reese, Robinson of Chambers, Sturdivant and Whitfield of the House—18.

Neither of the candidates having received a majority of the whole votes cast, the names of Messrs. McCaa and Harris were

withdrawn, and the two Houses in joint convention proceeded to vote a second time.

Those who voted for Mr. Coleman are—

Messrs. Ashley, Barnes, Bell, Castens, Deason, Drake, Edwards, Foster, Gage, Garrett, Jackson of Morgan, Jones, Montgomery, Moren, Winston, of the Senate; Messrs. Speaker, Ash, Bankhead, Bethea, Bourland, Brooks, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Freeman, Goodwin, Grant, Hand, Henry, Judkins, Jones, Lanier, Lawrence, Leeper, Lindsay, Mabry, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McLester, Meadows, Moore of Perry, Morse, Oliver, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Reese, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Vansandt, Walker, Warren, Whitfield, Williams of Randolph, Willhite, Yonge, of the House—76.

Those who voted for Mr. Jones are—

Messrs. President, Cooper, Jackson of Lauderdale, Kilpatrick, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson, Wood, Woodlief of the Senate; Messrs. Borden, Brandon, Bush, Coffee, Callaway, Crenshaw, Culver, Davis of Barbour, Echols, Frazer, Gafford, Hardie, Hawthorne, Humphries, Ledbetter, McAlexander, McCoy of Russell, Moore of Coffee, Odum, Pipkin, Richardson, Robinson of Chambers, Thorn, Williams of Jackson, Worthy of the House—36.

Those who voted for Mr. Jolly are—

Messrs. Felder, Forney, Stansel of the Senate; Messrs. Goldthwaite, McBee, McMillan, Pierce, Robinson of Baldwin, Savage, Sheffield, and Waller, of the House—11.

Those who voted for Mr. Suedecor are—

Messrs. Huckabee, Lindsay; and Powell of Tuscaloosa, of the Senate; Messrs Hare and Tompkins, of the House—5.

Mr. Coleman having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected Solicitor for the 7th judicial circuit, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Solicitor for the 8th judicial circuit.

Messrs. J. N. Arrington, C. J. L. Cunningham, and John D. Gardner being in nomination, those who voted for Mr. Arrington are—

Messrs. Barnes, Deason, Drake, Felder, Forney, Foster, Garrett, Huckabee, Kilpatrick, Mitchell, Moren, Stansel, Woodliff, of the Senate; Messrs Speaker, Ash, Bethea, Borden, Brooks,

Bush, Caffey, Clark of Mobile, Cox, Crenshaw, Davis of Bibb, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Henry, Judkins, Jones, Lanier, Lawrence, Ledbetter, Leeper, Lindsay, Mabry, Manasco, McMillan, Meadows, Moore of Perry, Morse, Owens, Padgett, Pierce, Reese, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Walker, Waller, Williams of Jackson, Williams of Randolph, of the House—65.

Those who voted for Mr. Cunningham are—

Messrs. President, Ashley, Cooper, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Macon, Slaughter, Wilkinson, of the Senate. Messrs. Bourland, Brandon, Callaway, Clark of Lawrence, Connelly, Hawthorne, McAlexander, McCann, McCoy of Russell, Palmer, Pipkin, Raisler, Richardson, Smith of Jackson, Wilhite and Worthy, of the House.

Those who voted for Mr. Gardner are—

Messrs. Bell, Castens, Edwards, Gage, Montgomery, Powell of Tuscaloosa, Sykes, Winston and Wood, of the Senate. Messrs. Chapman, Cobb, Cotten, Culver, Davis of Barbour, Dobson, Edwards, Ellis, Freeman, Gafford, Hardie, Humphrey, Malone, Malloy, McBee, McCain, McCoy of Tallapoosa, McLester, Odum, Oliver, Plowman, Potter, Vansandt, Warren, Whitfield, and Yonge, of the House—35.

Mr. Arrington having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Solicitor of the Eighth Judicial Circuit, for the term prescribed by law.

The two Houses, in joint convention, then proceeded to elect a Solicitor for the Ninth Judicial Circuit.

Messrs. Jas. B. McDonald and G. W. Hooper being in nomination.

Those who voted for Mr. McDonald are—

Messrs. President, Ashley, Barnes, Bell, Cooper, Deason, Felder, Forney, Foster, Gage, Garnett, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Moran, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Wilkinson, Wood and Woodliff, of the Senate. Messrs. Speaker, Ash, Bankhead, Bethea, Bordan, Bourland, Brandon, Brookes, Bush, Caffey, Cobb, Cox, Doster, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence, McCain, McCann, McCoy of Tallapoosa, McLester, McMillan, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pierce,

Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Waller, Whitfield, Williams of Jackson, and Williams of Randolph, of the House—84.

Those who voted for Mr. Hooper are—

Messrs. Castens, Drake, Edwards, Huckabee, Lindsay, Mitchell, Montgomery and Winston, of the Senate. Messrs. Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cotten, Crenshaw, Davis of Barbour, Dobson, Edwards, Hand, McBee, McCoy of Russell, Meadows, Oliver, Owens, Pipkin, Plowman, Potter, Reese, Savage, Smith of Jackson, Tompkins, Vansandt, Walker, Warren, Willite, Worthy and Yonge, of the House—47.

Mr. McDonald having received a majority of the whole vote cast, was declared, by the Speaker, to be duly and constitutionally elected Solicitor for the Ninth Judicial Circuit, for the term prescribed by law.

The two Houses, in joint convention, then proceeded to elect a Solicitor for the Tenth Judicial Circuit.

Messrs. John H. Caldwell and John W. Bishop being in nomination,

Those who voted for Mr. Caldwell are—

Messrs. Ashley, Barnes, Drake, Felder, Forney, Foster, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, Slaughter, Stansel, Wilkinson, Winston, Wood and Woodliff, of the Senate. Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Echols, Ellis, Gibson, Goodwin, Grant, Hawthorne, Humphrey, Judkins, Lanier, Mabry, McAlexander, McBee, McCoy of Tallapoosa, McMillan, Moore of Perry, Morse, Odum, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Warren, Worthy and Yonge, of the House—70.

Those who voted for Mr. Bishop are—

Messrs. President, Bell, Castens, Cooper, Deason, Edwards, Gage, Garrett, Montgomery, Powell of Tuscaloosa, and Sykes, of the Senate. Messrs. Chapman, Clark of Mobile, Cobb, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Frazer, Gafford, Goldthwaite, Hand, Hardie, Hare, Henry, Lawrence, Ledbetter, Leeper, Lindsay, Malone, Malloy, Manasco, McCain, McCann, McCoy of Russell, McLester, Meadors, Moore of Coffee, Oliver, Palmer, Plowman, Savage, Smith of Choctaw, Smith of Jackson, Steadham,

Stringer, Walker, Whitfield, Williams of Jackson, Williams of Randolph and Wilhite, of the House—56.

Mr. Caldwell having received a majority of the whole vote cast, Mr. Speaker declared him to be duly and constitutionally elected Solicitor of the 10th Judicial Circuit, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Solicitor for the 11th Judicial Circuit.

Messrs. M. C. Lane, J. D. Brandon, W. P. H. Howard, J. N. Whitehead, and Jas. D. Porter, being in nomination,

Those who voted for Mr. Lane, are—

Messrs. President, Barnes, Montgomery, and Wilkinson of the Senate; Messrs. Speaker Ash, Chapman, Foster, Edwards, Gafford, McCain, McCann, McCoy of Russell, Moore of Coffee, Morse, Oliver, Owens, Plowman, Stringer, Walker, Wilhite, and Yenge, of the House—22.

Those who voted for Mr. Brandon, are—

Messrs. Drake, Garrett, Jackson of Lauderdale, Jackson of Morgan, Slaughter, and Woodliff, of the Senate; Messrs. Bourland, Brandon, Eush, Clark of Lawrence, Cobb, Dobson, Hardie, Hand, Hare, Hawthorn, Henry, Humphrey, Jones, Lawrence, Lodbetter, Leeper, Lindsay, Mabry, McAlexander, McBee, McCoy of Tallapoosa, Meadors, Moore of Perry, Palmer, Pierce, Raisher, Reese, Richardson, Savage, Sheffield, Smith of Jackson, Steadham, Sturdivant, Tlern, Vansandt, and Waller, of the House—42.

Those who voted for Mr. Howard, are—

Messrs. Ashley, Bell, Cooper, Deason, Felder, Forney, Gage, Huckabee, Kilpatrick, Lindsay, Mitchell, Norwood, and Sykes of the Senate; Messrs. Bankhead, Bethea, Brooks, Calley, Clark of Mobile, Culver, Davis of Bibb, Echols, Ellis, Frazer, Goldthwaite, Grant, Judkins, McMillan, Odum, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Thrasher, Tompkins, Williams of Randolph, and Worthy of the House—38.

Those who voted for Mr. Whitehead, are—

Mr. Wood of the Senate; Messrs. Borden, Callaway, and Cotton of the House—4.

Those who voted for J. D. Porter, are—

Messrs. Castens, Edwards, Foster, Jones, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, and Winston of the Senate; Messrs. Creunshaw, Lanier, Malone, Manasco, McLester, Potter, Warren, Whitfield, and Williams of Jackson, of the House—19.

Neither of the candidates having received a majority of the



whole vote cast, Mr. Whitehead's name was withdrawn, and the convention proceeded to vote a second time.

Those who voted for Mr. Brandon, are—

Messrs. Castens, Drake, Garrett, Huckabee, Jackson of Lauderdale, Wilkinson, and Woodliff, of the Senate; Messrs. Ash, Bourland, Brandon, Bush, Clark of Lawrence, Cobb, Cotten, Dobson, Goodwin, Hand, Hardie, Hawthorn, Henry, Humphrey, Jones, Ledbetter, Lindsay, McAlexander, McBee, Meadors, Moore of Perry, Pierce, Potter, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Worthy, and Yonge, of the House—45.

Those who voted for Mr. Howard are—

Messrs. Ashley, Bell, Cooper, Deason, Felder, Forney, Foster, Gage, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Macon, Sykes, and Wood of the Senate; Messrs. Bankhead, Bethea, Brooks, Caffey, Clark, of Mobile, Culver, Davis of Bibb, Echols, Ellis, Frazer, Gibson, Goldthwaite, Grant, Hare, Judkins, Lanier, Mabry, Manasco, McCann, McMillan, Odum, Palmer, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Thrasher, Walker, Waller and Williams of Randolph, of the House—50.

Those who voted for Mr. Lane are—

Messrs. President, Barnes, Montgomery, Powell of Tuscaloosa, and Slaughter of the Senate; Messrs. Speaker, Chapman, Cox, Doster, Edwards, Gafford, Leeper, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Owens, Plowman, Stringer, Whitfield, and White, of the House—24.

Those who voted for Mr. Porter, are—

Messrs. Edwards, Moren, Stansel, and Winston, of the Senate; Messrs. Crenshaw, Malone, Malloy, Warren, and Williams of Jackson, of the House—9.

Neither of the candidates having received a majority of the whole vote cast,

The names of James D. Porter and M. C. Lane were withdrawn, and

The Convention then proceeded to vote a third time.

Those who voted for Mr. Howard are—

Messrs. President, Ashley, Bell, Castens, Cooper, Deason, Felder, Forney, Foster, Gage, Huckabee, Jackson of Morgan, Jones, Kilpatrick, Lindsey, Mitchell, Montgomery, Norwood, Powell of Macon, Powell of Tuscaloosa, Winston and Wood, of the Senate. Messrs. Speaker, Bankhead,

Bethea, Brooks, Caffey, Chapman, Clark of Mobile, Cox, Creirshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Grant, Hare, Judkins, Lanier, Mabry, Manasco, McCain, McCann, McCoy of Russell, McLester, McMillan, Moore of Coffee, Odum, Oliver, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Stringer, Tompkins, Walker, Waller, Whitfield, Williams of Jackson, and Williams of Randolph, of the House—68.

Those who voted for J. D. Brandon are—

Messrs. Barnes, Drake, Garrett, Jackson of Lauderdale, Moren, Slaughter, Wilkinson and Woodliff of the Senate. Messrs. Ash, Borden, Bourland, Brandon, Bush, Callaway, Clark of Lawrence, Cobb, Dobson, Doster, Edwards, Goodwin, Hand, Hardie, Hawthorn, Henry, Humphrey, Jones, Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, McAlexander, McBee, McCoy of Tallapoosa, Meadors, Moore of Perry, Morse, Owens, Palmer, Pierce, Plowman, Potter, Raisler, Reese, Richardson, Savage, Sheffield, Steadham, Sturdivant, Thrasher, Thorn, Vansandt, Warren, Wilhite, Worthy and Yonge, of the House—58.

W. B. H. Howard having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Solicitor for the 14th Judicial Circuit, for the term prescribed by law.

Mr. Goodwin of the House, moved that the convention adjourn till 11 o'clock a. m. on Monday. Lost.

The two Houses in joint convention then proceeded to elect a Comptroller of Public Accounts.

Messrs. M. A. Chisholm and W. J. Greene being in nomination,

Those who voted for M. A. Chisholm are—

Messrs. Bell, Cooper, Edwards, Felder, Gage, Garrett, Jones, Montgomery, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, Winston, Wood and Woodliff, of the Senate. Messrs. Speaker, Ash, Brandon, Brooks, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Hand, Hare, Humphrey, Jones, Lawrence, Ledbetter, Leeper, Malone, Malloy, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Morse, Odum, Oliver, Owens, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Warren, Whitfield,

Williams of Randolph, Wilhite and Yonge, of the House—71.

Those who voted for W. J. Greene are—

Messrs. President, Ashley, Barnes, Drake, Forney, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood and Stansel, of the Senate. Messrs. Bankhead, Bethea, Borden, Bourland, Bush, Caffey, Calloway, Calrk of Lawrence, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hawthorne, Henry, Judkins, Lanier, Mabry Manasco, McAlexander, McBee, Moore of Perry, Padgett, Pierce, Pipkin, Reese, Richardson, Savage, Sheffield, Smith of Jackson, Stringer, Walker, Waller, Williams of Jackson, and Worthy, of the House—51.

Mr. Chisholm having received a majority of the whole vote cast, he was declared by the Speaker to be duly and constitutionally elected Comptroller of Public Accounts for the State of Alabama for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a State Treasurer for the State of Alabama.

Messrs. L. P. Saxon and Duncan B. Graham being in nomination,

Those who voted for L. P. Saxon are—

Messrs. President, Ashley, Bell, Castens, Edwards, Foster, Gage, Garrett, Jackson of Lauderdale, Jones, Montgomery, Powell of Tuscaloosa, Slaughter, Sykes, Winston, and Wood, of the Senate. Messrs. Speaker, Ash, Borden, Brandon, Brooks, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Crenshaw, Culver, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Jones, Lawrence, Ledbetter, Leeper, Malone, Malloy, Manasco McBee, McCain, McCoy, of Russell, McCoy of Tallapoosa, Meadors, Odum, Oliver, Plowman, Potter, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Randolph, Wilhite, and Yonge, of the House—64.

Those who voted for Mr. Graham are—

Messrs. Barnes, Cooper, Deason, Drake, Felder, Forney, Huckabee, Jackson of Morgan, Kilpatrick, Lindsay, Mitchell, Moren, Norwood, Powell of Macon, and Stansel, of the Senate; and Messrs. Bankhead, Bethea, Bourland, Bush, Caffey, Calloway, Clark of Mobile, Davis of Barbour, Echols, Ellis, Frazer, Gibson, Goldthwaite, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Mabry, McAlexander, McCann, McLester, McMillan, Moore of Perry, Morse, Palmer, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Savage, Stringer, Sturdivant, Waller, Whitfield, Williams of Jackson, and Worthy, of the House—57.

Mr. Saxon having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected State Treasurer for the State of Alabama, for the term prescribed by law.

On motion of Mr. Edwards, of the Senate, the convention adjourned till 11 o'clock, a. m., Monday, and the Senate retired.

On motion of Mr. Goodwin, the House adjourned till ten o'clock, a. m., on Monday.

MONDAY, November 27, 1865.

House met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Journal of 24th and 25th instants read and approved.

By leave, Mr. Mabry made the following report :

The Select Committee to whom was referred the bill to be entitled an act to incorporate the Alabama Immigration, White Labor and Real Estate Agency Company, have had the same under consideration, and instruct me to report the bill back to the House, and recommend its passage.

On motion of Mr. Bethca, the further consideration of this bill was postponed, and made the special order for Thursday next, at 12 o'clock, m.

By leave, Mr. Tompkins offered the following resolution, which was adopted :

*Resolved*, That a special committee of three be appointed by the Speaker to enquire into and report to the House the present state of the Public Printing, and that said committee be instructed to make such recommendation in reference to the same as in their judgment may be deemed expedient.

Messrs. Tompkins, Waller and Echols, were appointed said committee.

On motion by Mr. Whitfield, the rules were further suspended to take up the resolution offered by him on Thursday last, to authorize the Speaker to appoint a larger number than nine members on any of the Standing Committees, which resolution was adopted.

Mr. Pierce, from the Committee on Enrolled Bills, reported the act to appropriate money to pay the expenses of the present General Assembly to be correctly enrolled.

#### CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Foster, to amend an act incorporating the Prattville Male and Female Academy in the county of Autauga.

Mr. Callaway, for the suppression of disorderly traffic within any incorporate village, town, or city within this State.

Mr. Pierce, to incorporate the Alabama mining, manufacturing and improvement company.

Mr. Pierce, to incorporate the American Industrial Agency ;

Each of which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Doster, to compensate Commissioners appointed to administer and register oaths to voters.

Mr. Smith of Choctaw, to prohibit marriages, adultery and fornication between the white and colored races.

Mr. Robinson of Chambers, for the relief of Charles H. Phillips of Chambers county.

Mr. Robinson of Chambers, for the relief of Augustus C. Finley of the county of Chambers.

Mr. Mabry, to make Mary C. Campbell a free dealer ;

Each of which bills were read a first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Vansandt, to abolish the office of Tax-Assessor in this State ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Speaker, for the relief of John B. Walden, Solicitor for the 5th Judicial Circuit ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Pierce, to amend an act to incorporate the town of Newbern, in Greene county, so as to invest the Intendant with the powers of Justice of the Peace ;

Which bill was read the first, second and third times, and passed, under a suspension of the constitutional rule.

On motion by Mr. Bethea, the call of the counties was suspended to enable him to introduce a bill to prevent a failure of justice in certain cases ;

Which bill was read the first, second and third times, and passed, under a suspension of the constitutional rule.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

A bill to be entitled an act to repeal an act to increase the fees of certain officers of Clarke county, approved December 13, 1864.

Also, a bill to be entitled an act to fix the price of the Reports of the Supreme Court.

A bill to be entitled an act for the relief of Thomas Carter, Sheriff of Clarke county.

MICAH TAUL, Secretary.

On motion by Mr. Gibson, the call of the counties was suspended, and the message from the Senate containing the amendment to the House resolution, concerning the election of United States Senator, on Tuesday next, was taken up, the amendment concurred in, and the Senate notified thereof.

Mr. Pierce introduced a bill to incorporate the Pleasant Ridge Academy, in the county of Greene;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The hour of eleven having arrived, the Senate were invited into the hall of the House of Representatives, and the two Houses, in joint convention, proceeded to the election of a Chancellor for the Northern Division of Alabama.

Mr. S. K. McSpadden alone being in nomination, and receiving all the votes cast, (one hundred and twenty-seven) was declared by the Speaker to be duly and constitutionally elected Chancellor of the Northern Division of the State of Alabama, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Chancellor for the Middle Division of Alabama.

Messrs. Fellows and J. Q. Loomis being in nomination.

Those who voted for Mr. Fellows are—

Messrs. President, Cooper, Edwards, Huckabee, Montgomery, Powell of Tuscaloosa, Slaughter, and Sykes of the Senate; Messrs. Speaker, Ash, Davis of Bibb, Edwards, Hand, Hardie, Hare, Jones, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McLester, Moore of Perry, Oliver, Reese, Sturdivant, Whitfield, Williams of Jackson, and Worthy, of the House—32.

Those who voted for Mr. Loomis are—

Messrs. Ashley, Barnes, Bell, Castens, Deason, Drake, Felder, Forney, Foster, Gage, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, mitchell, Moren, Norwood, Powell of Macon, Stansel, Wilkinson, Winston, Wood and Woodliff, of the Senate; Messrs. Ashford, Bankhead, Bethea, Borden, Bour-

Hand, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Heary, Humphrey, Judkins, Lawrence, Malloy, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McMilian, Meadors, Moore of Coffee, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Williams of Randolph, Wilhite, and Yonge, of the House—95.

Mr. Loomis having received a majority of all the votes cast, was declared by Mr. Speaker, to be duly and constitutionally elected Chancellor of the Middle Division of the State of Alabama for the term prescribed by law.

The two Houses in joint convention, then proceeded to elect a Chancellor for the Southern Division of Alabama.

Messrs. N. J. Cocks and Falkner being in nomination.

Those who voted for Mr. Cocks are—

Messrs. President, Barnes, Bell, Castens, Cooper, Drake, Felder, Forney, Foster, Gage, Huckabee, Jackson of Lauderdale, Jones, Kilpatrick, Mitchell, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Bankhead, Bethea, Bourland, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Frazer, Goldthwaite, Grant, Hare, Henry, Humphrey, Judkins, Jones, Lanier, Mabry, Malley, Manasco, McAlexander, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Moore of Perry, Morse, Odum, Padgett, Pierce, Pipkin, Reese, Richardson, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Tompkins, Vansandt, Waller, Whitfield, Williams of Randolph, Worthy, and Yonge, of the House—76

Those who voted for Mr. Falkner are—

Messrs. Ashley, Deason, Edwards, Garrett, Jackson of Morgan, Lindsay, Montgomery, Norwood, Wilkinson, and Winston, of the Senate; Messrs. Ash, Ashford, Borden, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Davis of Bibb, Edwards, Ellis, Freeman, Gibson, Goodwin, Hand, Hardie, Hawthorn, Lawrence, Ledbetter, Leeper, Malone, McBee, McCain, McCoy of Tallapoosa, Meadors, Moore of Coffee, Oliver, Owens, Palmer, Plowman, Potter, Raisler, Robinson of Bald-

win, Robinson of Chambers, Savage, Sheffield, Thorn, Walker, Warren, Williams of Jackson, and Wilhite, of the House—52.

Mr. Cocks having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Chancellor for the Southern Division of the State of Alabama.

The Senate then withdrew to their chamber.

#### CALL OF THE COUNTIES.

Mr. Williams of Jackson, introduced a bill to regulate the distillation of grain in this State, and for other purposes, which was read the 1st and 2d time, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Richardson introduced a bill to authorize the Governor to furnish copies of the tax books of Limestone county to the probate judge thereof, which was read the 1st and 2d time, under a suspension of the constitutional rule.

Mr. Manasco moved to amend by adding the word "Walker" after "Limestone." Agreed to.

Mr. Grant moved to amend, by adding after the word "Walker," "and any other county in this State, whose records have been destroyed, upon application of the custodian of said records." Adopted.

The bill was then read a third time under a further suspension of the constitutional rule.

On motion of Mr. Manasco, the action of the House ordering the bill to a third reading was reconsidered, and it was referred to the Committee on the Judiciary.

The hour of twelve m. having arrived,

On motion of Mr. Caffey, the orders of the day were suspended, that the call of the counties might be continued.

Bills were introduced by—

Mr. McKinstry, for the relief of the chartered companies of Mobile, for insurance.

Mr. Jones, to incorporate the city of Demopolis.

Mr. Hare, to amend an act entitled "an act to incorporate the town of Livingston, the county site of Sumter county." Approved January 10th, 1835.

Mr. McLester, to amend an act entitled "an act to incorporate the North East and South West Alabama Railroad Company," so as to authorize said corporation to sell and transfer its franchise, assets, &c., which bills were read the 1st and 2d times under a suspension of the constitutional rule, and referred to the Committee on Corporations.



Mr. McKinstry, for the regulation of the chartered banks in the city of Mobile, and for other purposes, which was read the 1st and 2d times under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Tompkins, to prohibit the intermarriage of white persons with negroes, or persons of mixed blood.

Mr. Calley, to provide for the holding of a chancery court for Montgomery county.

Mr. Freeman, to authorize Charles W. Price, administrator of the estate of David G. Kobb, late of Morgan county, deceased, to sell certain lands therein named.

Mr. Sheffield, for the relief of the people.

Mr. Jones, for the relief of John T. Walton, an administrator of the estate of John E. Boddie, deceased.

Mr. Moore of Perry, to prohibit the intermarriage of white persons with negroes, or persons of mixed blood.

Mr. Hare, to authorize the judge of probate of Sumter county to grant orders to privately rent the real estate of deceased persons and minors.

Mr. Hare, for the benefit of officers of the circuit court of this State in continual prosecutions.

Mr. Lester, to authorize the issuance of execution on certain judgments without a revival of such judgments.

Each of which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Jones, to discontinue a portion of a certain road in the county of Marengo.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Roads and Highways.

Mr. McCoy, to prevent the employment of freedmen while under contract.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

#### ORDERS OF THE DAY.

Mr. Gibson moved to suspend the orders of the day, to enable him to introduce a resolution. Carried.

Mr. Gibson offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire and ascertain whether a commissioner has been ap-

pointed by the Governor to prepare a "Revised Code of the State Laws of the State of Alabama, of a general and a public nature," as provided by the General Assembly, approved February 5th, 1861, and if so, what progress has been made in the preparation of such Revised Code; when the same will be ready for delivery to the Governor, as provided for in the act aforesaid, and whether additional legislation be needed to carry out the objects contemplated by the act aforesaid, and report by bill or otherwise.

## HOUSE BILLS.

To authorize certain officers of Bibb county to make publication in the newspapers of Selma,

Was read a second time.

Mr. Tompkins moved to amend as follows:

*Provided*, That the provisions of this act shall be operative only so long as there is no newspaper published in Bibb county.

The amendment was adopted, and the bill read the third time and passed under a suspension of the constitutional rule.

To amend section 1275 of the Code of Alabama,

Was read a second time, and,

On motion of Mr. Smith of Choctaw, he was permitted to withdraw said bill.

On motion of Mr. McKinstry, the orders of the day were suspended, to enable him to offer a resolution, as follows:

*Resolved*, That the Judiciary Committee, and the Committee on Ways and Means, and on Freedmen, be each authorized to employ a clerk for their respective committees.

Mr. Manasco moved to lay the resolution on the table. Lost. Ayes, 22; nays, 67.

YEAS—Messrs. Ash, Brandon, Cobb, Edwards, Gibson, Malone, Malley, Manasco, McBee, McCain, McCoy of Tallapoosa, Morse, Oliver, Palmer, Padgett, Potter, Smith of Jackson, Steadham, Vansandt, Warren, Williams of Jackson, and Williams of Randolph—22.

NAYS—Messrs. Speaker, Ashford, Bankhead, Bethea, Bourland, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Connelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Goldthwaite, Goodwin, Grant, Hand, Hardie, Ilare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Ledbetter, Lindsey, Mabry, McAlexander, McCann, McCoy of Russell, McKinstry, McLester, Meadors, Moore of Coffee, Moore of Perry,

Odum, Owens, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Whitfield, Wilhite, Worthy and Yonge—67.

The resolution was adopted. Ayes, 61 ; nays, 25.

YEAS—Messrs. Speaker, Ashford, Bankhead, Bethea, Borden, Bourland, Caffey, Callaway: Chapman, Clark of Mobile Cotten, Cox, Culver, Davis of Barbour, Doster, Echols, Ellis, Frazer, Freeman, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Lindsey, Ledbetter, Mabry, Malloy, McAlexander, McCoy of Russell, McKinsty, McLester, Meadors, Moore of Perry, Odum, Owens, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, Williams of Jackson, Wilhite, Worthy and Yonge—61.

NAYS—Messrs. Ash, Brandon, Cobb, Connelly, Edwards, Gibson, Hand, Hardie, Malone, Manasco, McBee, McCain, McCann, McCoy of Tallapoosa, Morse, Oliver, Palmer, Padgett, Potter, Savage, Smith of Jackson, Steadham, Thrasher, Vansandt, and Williams of Randolph—25.

The Speaker laid before the House the returns from the probate judges of Barbour county of indigent and destitute families, which was referred to the Committee on Destitution and Supply.

On motion of Mr. Pierce, the orders of the day were suspended to enable him to offer the following resolution, which was adopted :

*Resolved*, That, with the concurrence of the Senate, the two Houses will meet in the hall of the House of Representatives, on Friday, the 1st December next, at 12 m., to elect an Attorney General for the State of Alabama.

On motion of Mr. Goodwin, the House adjourned till ten o'clock, a. m., to-morrow.

TUESDAY, November 28, 1865.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

Journal of yesterday read and approved.

The Speaker laid before the House a report of the indigent families of Lauderdale county,

Which was referred to the Committee on Destitution and Supply.

Mr. Ashford was excused from serving on the Committee on

Federal Relations, and was placed upon the Committee on Corporations.

Messrs. Connelly and Bourland were added to the Committee on Education.

#### CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Ellis, to repeal an act entitled an act to increase the fees of judges of probate, and other public officers of this State ;

Mr. Lawrence, to render persons convicted of certain crimes incompetent to give testimony as witnesses ;

Mr. Smith, of Choctaw, to amend section 2175 of the code of Alabama ;

Mr. Vansandt, for the relief of the indigent widows in this State ;

Mr. Mabry, to prevent persons from purchasing or receiving stolen property ;

Mr. Pierce, amendatory of an act to regulate the pay of witnesses in criminal cases, approved February 6, 1861, so as to allow the collection of cost in justices' courts ;

Mr. Tompkins, to facilitate and regulate the prosecution and punishment of misdemeanors in the county of Mobile ;

Mr. Caffey, to allow additional fees to constables in this State ;

Mr. Sheffield, to authorize the Governor to exercise the pardoning power before conviction ;

Each of which bills were read the first and second times under a suspension of the constitutional rule and referred to the Committee on the Judiciary.

Mr. Mabry, to protect proprietors and tenants from intrusions of dangerous and troublesome persons ;

Mr. Walker, to prevent idleness ;

Each of which bills were read the first and second times under a suspension of the constitutional rule and referred to the Committee on Freedmen.

Mr. Pierce, the Standard of Revenue for the State of Alabama ;

Which bill was read the first and second times under a suspension of the constitutional rule and referred to the Committee on Ways and Means.

Mr. McMillan, to make Samuel S. Cornwell, a liner between Conecuh and Monroe counties, a citizen of Monroe county,

Which bill was read the first and second times under a sus-

pension of the constitutional rule and referred to the Committee on Local Legislation.

Mr. Jones introduced a bill to regulate the sale of vinous and spirituous liquors in the State of Alabama,

Which was read the first and second times under a suspension of the constitutional rule.

Mr. Manasco moved to lay the bill on the table. Lost.

Mr. Jones moved to refer the bill to a select committee of three.

Mr. Grant raised a point of order, that the bill should properly be referred to a standing committee.

The Speaker over-ruled the point of order.

The motion of Mr. Jones prevailed, and the bill was referred to a committee consisting of Messrs. Jones, Potter and Grant.

Mr. Echols moved a reconsideration of the action of the House on yesterday, concurring in the Senate amendment to the House resolution to bring on the U. S. Senatorial election to-day.

The House refused to reconsider.

The Speaker laid before the House a communication from the President of the late Planter's Convention, held in this city, which was referred to the Committee on Freedmen.

Bills were introduced by Mr. Moore, of Perry, the more effectually to prevent the offenses of grand larceny, arson and burglary.

Mr. Worthy, for the protection of estates of deceased persons, and for other purposes.

Mr. Yonge, to prevent the sale or disposal, in any manner, of fire arms and ammunition to freedmen, negroes or mulattoes in this State ;

Each of which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. McCoy, of Tallapoosa, for the relief of the several Solicitors of the State of Alabama, which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

#### REPORT OF COMMITTEES.

Mr. Tompkins, from the Committee on Corporations, to whom was referred "a bill to be entitled an act to incorporate the Selma Fire and Marine Insurance Company," having had the same under consideration, report the bill back to the House without amendment, and recommended its passage.

The report was concurred in, the bill read the third time and passed.

Mr. Tompkins, from the Special Committee on Printing, reported as follows :

Your Special Committee, to whom was referred a "Resolution, requiring that they inquire into the state of the Public Printing," having had the same under consideration, submit as their report that the publishers of the "Advertiser," Messrs. Reid and Screws, will henceforth execute the work, and be responsible for the expedition of the same to the General Assembly. Your committee ask that they be discharged from the further consideration of the resolution in question.

The report was received and the committee discharged.

Mr. McKinstry, from the Committee on the Judiciary, made a report, which by leave, he afterwards withdrew.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably on the bill to incorporate the Citizens' Mutual Insurance Company of Mobile.

The report was concurred in, the bill read the third time and passed.

Mr. Gibson, from the Committee on Local Legislation, reported a substitute for the bill to repeal an act to authorize A. J. Kenedy to erect a fish trap in a portion of Coosa river, approved November 17th, 1863.

The report was concurred in, the substitute adopted, the bill read the third time and passed.

Mr. Moore, of Perry, from the Committee on Local Legislation, reported favorably on the bill to give the Probate Court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county.

The report was concurred in, and the bill was read the third time and passed.

The hour of twelve o'clock m. having arrived, the Senate by invitation, appeared within the Hall of the House, and the two Houses in joint convention, proceeded to the election of a Senator to the Congress of the United States, for the Senatorial term which expires on the 4th of March, 1871.

Hon. Lewis E. Parsons being in nomination,

Those who voted for Mr. Parsons are—

Messrs. President, Barnes, Bell, Castens, Cooper, Deason, Drake, Edwards, Felder, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Jones, Lindsay, Mitchell, Montgomery, Moren, Norwood, Powell of Madox, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, and Woodliff. of the Sen-

ate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandor, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lawrence, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Russell, McKinstry, McLester, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Willite, and Yonge—116.

Mr. Ashley voted for Dr. F. W. Sykes.

Mr. Kilpatrick voted for John T. Morgan.

Mr. McCoy of Tallapoosa, voted for J. A. Campbell.

Mr. McMillan voted for Thomas H. Watts.

Mr. Parsons having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected Senator to the Congress of United States from the State of Alabama, for the Senatorial term expiring on the 4th March, 1871.

The two Houses, in joint convention, then proceeded to elect a Senator from the State of Alabama, to the Congress of the United States, for the Senatorial term to expire on the 4th March, 1867,

Messrs. A. B. Cooper, John Forsyth, and George S. Houston being in nomination,

Those who voted for A. B. Cooper are—

Messrs. President, Ashley, Barnes, Fornes, Forney, Foster, Huckabee, Kilpatrick, Montgomery, and Moren, of the Senate ; Messrs. Caffey, Chapman, Crenshaw, Ellis, Goldthwaite, Hardie, Hare, Hawthorne, Judkins, Jones, Lanier, Lindsey, Mabry, McCann, McMillan, Meadors, Moore of Perry, Odum, Reese, Savage, Smith of Choctaw, Stringer, Thrasher, Walker, and Worthy, of the House—34.

Those who voted for Mr. Forsyth are—

Messrs. Castens, Gage, Mitchell, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate ; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Davis of Barbour, Doster, Echols, Grant, Henry, Humphrey, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Owens, Pierce, Pipkin, Plowman, Potter, Robinson of Baldwin, Robinson of Chambers, Sheffield,

Tompkins, Waller, Williams of Jackson, and Yonge, of the House—34.

Those who voted for Mr. Houston are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsey, Norwood, Powell of Tuscaloosa, Wilkinson and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Callaway, Clark of Lawrence, Cobb, Connelly, Cotton, Cox, Culver, Davis of Bibb, Dobson, Edwards, Frazer, Freeman, Gaffard, Gibson, Goodwin, Hand, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—61.

Neither of the candidates having received having received a majority of the whole vote cast,

Mr. Echols, of the House, moved to adjourn till 12 o'clock, m., to-morrow. Lost. Ayes, 40; nays, 88.

Yeas—Messrs. Barnes, Castens, Cooper, Forney, Foster, Gage, Kilpatrick, Mitchell, Moren, Powell of Macon, Slaughter, Stansel, Winston, Wood and Woodliff, of the Senate; Messrs. Speaker, Brandon, Bush, Clark of Mobile, Culver, Echols, Frazer, Grant, Humphrey, Judkins, McKinstry, McMillen, Meadors, Moore of Perry, Owens, Plowman, Robinson of Baldwin, Robinson of Chambers, Sheffield, Tompkins, Williams of Jackson and Yonge, of the House—37.

Nays—Messrs. President, Ashley, Bell, Deason, Drake, Edwards, Felder, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Montgomery, Norwood, Powell of Tuscaloosa, Sykes and Wilkinson, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Freeman, Gaffard, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Lawrence, Ledbetter, Lindsay, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Savage, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorne, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Randolph and Wilhite, of the House—92.



The convention of the two Houses then proceeded to vote a second time.

Those who voted for Mr. Houston are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Sykes, Wilkinson, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Culver, Davis of Bibb, Dobson, Edwards, Frazer, Freeman, Gafford, Gibson, Goodwin, Hand, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vandsandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—63.

Those who voted for Mr. Fersyth are—

Messrs. Castens, Gage, Mitchell, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Davis of Barbour, Doster, Echols, Grant, Henry, Humphrey, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Owens, Pierce, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Sheffield, Tompkins, Waller, Williams of Jackson, Worthy, and Yonge, of the House—34.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Forney, Foster, Kilpatrick, Montgomery, and Moren, of the Senate; Messrs. Caffey, Chapman, Crenshaw Ellis, Goldthwaite, Hardie, Hare, Hawthorne, Judkins, Jones, Lanier, Mabry, McCann, McMillan, Meadors, Moore of Perry, Odum, Reese, Savage, Smith of Choctaw, Stringer, Thrasher, and Walker, of the House—31.

Neither of the candidates having received a majority of the whole vote cast, Mr. Robinson of Chambers, moved to adjourn. Lost. Ayes, 45; nays, 81.

YEAS—Messrs. Barnes, Castens, Forney, Foster, Gage, Huckabee, Kilpatrick, Mitchell, Moren, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Brandon, Bush, Chapman, Clark of Mobile, Davis of Barbour, Echols, Ellis, Frazer, Grant, Hare, Humphrey, Judkins, Lanier, Lawrence, McBee, McKinstry, McMillan, Meadors, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Waller, Williams of Jackson, Worthy, and Yonge, of the House—45.

NAYS—Messrs. President, Ashley, Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of

Morgan, Jones, Lindsay, Montgomery, Norwood, Powell of Tuscaloosa, Sykes, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hawthorne, Henry, Jones, Ledbetter, Lindsay, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Potter, Raisler, Reese, Richardson, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Vanzandt, Walker, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—81.

The two houses in joint convention then proceeded to vote the third time.

Thomas H. Watts was put in nomination.

Those who voted for Mr. Houston are:

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Sykes, Wilkinson, and Winston, of the Senate; and Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Bush, Callaway, Clark of Lawrence, Cobb, Connelly, Cotten, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hardie, Jones, Lindsay, Malone, Malloy, Manasco, McAlexander, McCain, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Smith of Jackson, Steadham, Thorn, Vanzandt, Warren, Whitfield, Williams of Randolph, and Wilhite, of the House—60.

Those who voted for Forsyth are—

Messrs. Castens, Gage, Powell of Macon, Slaughter, Stansel, Wood and Woodliff, of the Senate; and Messrs. Speaker, Borden, Brandon, Clark of Mobile, Echols, Grant, Hare, Henry, Humphrey, Judkins, Lanier, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Owens, Pipkin, Plowman, Robinson of Baldwin, Sheffield, Tompkins, Waller, Williams of Jackson, Worthy and Yonge, of the House—32.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Forney, Foster, Huckabee, Kilpatrick, Montgomery, and Moren, of the Senate; Messrs. Caffey, Chapman, Crenshaw, Hawthorne, Mabry, McCann, Odum, Reese, Savage, Smith of Choctaw, Stringer, and Walker, of the House—20.

Those who voted for Mr. Watts are—

Messrs. Barnes and Mitchell, of the Senate; Messrs. Brandon,

Cox, Davis of Barbour, Ellis, Frazer, McBee, McCoy of Tallapoosa, McMillan, Meadors, Moore of Perry, Pierce, Robinson of Chambers, and Thrasher; of the House—15.

Neither of the candidates having received a majority of the whole vote cast,

Mr. Meadows, of the House, moved to adjourn till 12 o'clock m. to-morrow. Lost.

The convention then proceeded to vote a fourth time.

Those who voted for Mr. Houston are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Garrett, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Sykes, Wilkinson, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Chapman, Clarke of Lawrence, Cobb, Couelley, Cotten, Cox, Culver, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Jones, Lindsay, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Ruisker, Richardson, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and Willhite, of the House—64.

Those who voted for Mr. Forsyth are—

Messrs. Gastens, Gage, Powell of Macon, Slaughter, Stansel, Wood, and Woodliff, of the Senate; Messrs. Speaker, Borden, Brandon, Clark of Mobile, Grant, Hare, Henry, Humphrey, Lannier, Lawrence, Ledbetter, McCoy of Russell, McKinstry, Plowman, Robinson of Baldwin, Sheffield, Tompkins, Waller, Williams of Jackson, Worthy, and Yonge, of the House—28.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Forney, Foster Huckabee, Montgomery, Moren, and Powell of Tuscaloosa, in the Senate; Messrs. Caffey, Hawthorne, Mabry, Olum, Reese, Savage, Smith of Choctaw, Thrasher, and Walker, of the House—18.

Those who voted for Mr. Watts are—

Messrs. Kilpatrick, and Mitchell, of the Senate; Messrs. Callaway, Crenshaw, Davis of Barbour, Echols, Ellis, Frazer, Judkins, Mc Bee, McMillan, Meadors, Moore of Perry, Owens, Pierce, Pipkin, and Robinson of Chambers, of the House—17.

Mr. George S. Houston having received a majority of the whole vote cast, Mr. Speaker declared him to be duly and constitutionally elected Senator from the State of Alabama to the Congress of the United States, for the Senatorial term expiring on the 4th of March, 1867.

On motion of Mr. Ellis, the House adjourned till ten o'clock a. m. to-morrow.

WEDNESDAY, November 29th, 1865.

House met pursuant to adjournment.

Prayer by Rev. Mr. Vansandt.

Journal of yesterday read and approved.

CALL OF THE COUNTIES.

Bills were introduced by

Mr. Robinson of Chambers, to authorize a registry of the names, location, and occupation of Freedmen, in towns and cities.

Mr. Reese, to incorporate the Southern Rock Oil Company ;  
Each of which bills was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Robinson of Chambers, further to define and punish the offense of vagrancy.

Mr. Moore of Coffee, in relation to retail of liquors by freedmen.

Mr. Mabry, to secure to freedmen, free negroes and mulattoes, in this State, the right to personal protection, and the right to hold property.

Mr. Tompkins, to improve the condition of "freedmen," and to provide against vagrancy, each of which bills was read the the first and second times under a suspension of the constitutional rule, and referred to the committee on freedmen.

Mr. Callaway, for the protection of stock-raisers in Dale county.

Mr. Malone, to repeal an act, to reduce the fees of the county surveyor of DeKalb county.

Mr. Echols, for the relief of the court of county commissioners of Macon county.

Mr. McCoy of Russell, authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county, to Russell in this State, each of which bills was read first, second and third times, under a suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Walker, for the relief of George M. Tippens.

Mr. Warren, declaring Hulda Clayton of DeKalb county, a free dealer.

Mr. Cobb, for the protection of both debtor and creditor.

Mr. Goodwin, to amend section of 1747, of the Code of Alabama.

Mr. Richardson, to repeal so much of section first, of the Act passed February 8th, 1861, entitled "An Act to regulate Judi-

cial proceedings, as requires bills in chancery, filed in the 28th district Northern chancery division, making the return term separate from the trial."

Mr. Owens, to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land therein named;

Which bills were severally read the first and second times under a suspension of the constitutional rule, and were referred to the Judiciary committee.

Mr. Price, to provide an effective police force in the State of Alabama;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Military affairs.

Mr. Smith of Jackson, a joint resolution for the suspension of the collection of the taxes of Jackson county for 1865 and 1866.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Williams of Jackson, joint resolution in relation to the present destitution in the counties north of the Tennessee river, in this State;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Destitution and Supply.

Mr. McCann, a petition for a new county to be composed of parts of Talladega and Randolph counties;

Which was referred to the committee on County Boundaries.

Message from the Senate by Mr. ———:

*Mr. Speaker:*

The Senate has amended, as therein shown, and passed the House bills,

To authorize the Provisional Governor to contract for a loan for the State;

To increase the fees of Jailors;

And has passed without amendment, the House bill,

To authorize certain officers of Bibb county, to make publication in the newspapers of Selma.

The Senate concurs in the resolution of the House to elect an Attorney General on Friday at 12 m.

M. TAUL, Secretary.

## REPORTS OF STANDING COMMITTEES.

Mr. Gibson, from the Committee on Local Legislation, reported favorably on the bill

For the relief of Margaret L. Estes and Niceny Estes, and their sureties.

Mr. McMillan, from same Committee, reported favorably on the bill

To make Samuel S. Cornwell, a liner between Conecuh and Monroe counties, a citizen of Monroe county.

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably on the bill

For the relief of John B. Walden, Solicitor for the 5th judicial circuit ;

Which bills were read severally the third time and passed, under a suspension of the constitutional rule.

Mr. Tompkins, from the Committee on Corporations, reported favorably on the bills—

To amend an act entitled an act to incorporate the North East and South West Alabama Railroad Company so as to authorize said corporation to sell and transfer its franchise, assets, &c.;

To incorporate the Pleasant Ridge Male Academy, in the county of Greene ;

Which bills were read the third time, under a suspension of the constitutional rule, and passed.

Mr Tompkins, from the same committee, asked to be discharged from the further consideration of the bill

For the suppression of disorderly traffic within any incorporate village, town, or city within this State ;

And recommended its reference to the Committee on Ways and Means.

The report was concurred in, and the bill so referred.

Mr. Whitfield, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to ascertain whether those trustees of the State University who have been elected since 1861, are now in office, and eligible in law to discharge the duties of the trust, and report to this house such action as may be necessary in the premises.

Mr. Whitfield, by leave, offered the following resolution, which was adopted :

*Resolved*, That a Select Committee of three members be appointed by the Speaker to enquire whether there are any existing records or memoranda concerning Alabama soldiers, in

whose hands they may be, and by what authority ; whether they can be made available to, or are worthy to be preserved by the State ; and what disposition ought to be made of them, and report by bill or otherwise.

Messrs. Whitfield, Clark of Mobile, and Walker, were appointed said committee.

Mr. Grant, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to report to this House a bill providing for the admission of minors under certain circumstances, to take charge of their own estates, with all the legal rights necessary to their management, and also providing under what conditions married women may become free dealers, and providing that the above privileges shall only be obtained through a judgment of a court of record in the county where the applicant resides.

Mr. Gibson, from the Committee on Local Legislation, reported favorably on the bill

To give to the probate court of Macon county jurisdiction of the estate of J. C. Slocum, late of Tallapoosa county, deceased ;

Which was read a third time and passed, under a suspension of the constitutional rule.

Mr. Jones, from the Select Committee to which was referred the bill

To regulate the sale of vinous and spirituous liquors,

Reported it back with the following amendment, and recommended its passage as amended :

“That the fine be not less than five hundred dollars, nor more than two thousand, at the option of the court having jurisdiction over the case.”

On motion of Mr. Gibson, the bill and proposed amendment was re-committed to the Committee on Ways and Means.

Message from the Senate by Mr. ———.

The Senate has adopted the following resolution :

*Resolved*, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will meet in convention, at 12 m., on to-morrow, November 30th, for the purpose of electing successively, three Judges of the Supreme Court of Alabama.

M. TAUL, Secretary.

Mr. Bethëa, by leave, offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to act with a like committee of three on the part of the Senate, to wait on His Excellency, Robert M. Patton, Governor elect of the State of Alabama, to ascertain from him when it will suit his convenience to enter upon the duties of the office.

Messrs. Bethëa, Coxe and Goodwin, committee on the part of the House.

Mr. Manasco, by leave, introduced a bill to lay off the county of Walker into four commissioners districts ;

Which was read the first, second and third times, and passed, under a suspension of the constitutional rule.

Mr. Vansandt, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on Education be requested to examine into the propriety of abolishing the offices of the State and County Superintendents of Public Schools, and that they report to the House by bill or otherwise.

Mr. Henry, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of levying a tax upon all passengers travelling by steamboat or railroad in this State for any of the revenue purposes of the State, and that they report by bill or otherwise.

Mr. Grant, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee of Ways and Means be instructed to report a bill providing for the licensing of persons to retail vinous and spirituous liquors, and that the license shall not be less than ——— dollars, nor more than ——— dollars, and that the revenue commissioners of each county determine the number of licenses to be granted, and the amount to be paid for the same.

Mr. Williams of Jackson, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee of this House be requested to inquire into the expediency of repealing all laws, or parts of laws, that created any offices, or increased the emoluments of officers (under the exigencies of the State,) or from the 11th day of January, 1861, until the close of the last session in 1864, and report by bill or otherwise.

The hour of 12 m. having arrived, on motion of Mr. Mabry,



the orders of the day were postponed to take up the message from the Senate.

The Senate bills :

To authorize the Mayor and Aldermen of the city of Tuscaloosa to levy a tax of one per cent. on the real and personal property within the limits of said city ;

To repeal an act authorizing the election of marshal of the city of Tuscaloosa by the qualified voters of said city, approved February 5, 1840 ;

For the relief of Thomas Carter, Sheriff of Clarke county ;

To fix the price of the reports of the Supreme Court ;

To repeal an act entitled an act to increase the fees of certain officers in Clarke county, approved Dec. 13, 1864 ;

Were each read once, and ordered to a second reading.

The House concurred in the Senate resolution to elect Judges of the Supreme Court on Nov. 30th, at 12, m.

The House concurred in the Senate amendment to the joint resolution of the House, to authorize the Provisional Governor to contract for a loan for the State.

The House concurred in the Senate amendment to the House bill, to increase the fees of Jailors in the State of Alabama.

The special order being the bill for the benefit of the estates of deceased persons,

On motion of Mr. Gibson, the House resolved itself into Committee of Whole, for the purpose of considering it.

After some time spent therein, the committee rose, reported progress through the chairman, and asked to be discharged from the further consideration of the bill.

The report was received and the committee discharged.

Mr. Hare obtained the unanimous consent of the House to withdraw the bill.

The Speaker placed the name of Mr. Mabry on the Committees on Freedmen, and Ways and Means.

On motion of Mr. Goodwin, the House adjourned till ten o'clock to-morrow.

THURSDAY, November 30, 1865.

House met pursuant to adjournment.

Prayer by Rev. Mr. Petrie.

Journal read and approved.

#### CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Robinson, of Baldwin, to authorize the Sheriff of Bald-

win county, Alabama, to draw warrants on fine and forfeiture fund of said county, in payment of guards for prisoners, and witnesses for prosecution in Magistrates' Courts;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Davis, of Barbour, to incorporate the town of Mount Andrew, in Barbour county, in the State of Alabama;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Borden presented a petition from the citizens of the eastern portion of Calhoun county, for a new county, which was referred to the Committee on County Boundaries.

Mr. Robinson of Chambers, a bill to require of the hirers of Freedmen to cloth, feed and pay medical bill, and taxes.

Mr. Smith, of Choctaw, to protect freedmen, and regulate contracts between the white and black races in the State of Alabama.

Mr. Reese, to confer civil rights upon Freedmen, and for other purposes.

Mr. Pierce, to regulate the labor of Freedmen, and for other purposes.

Mr. Smith, of Jackson, to prevent negroes and mulattoes from settling in the State of Alabama;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Lawrence, ratifying and confirming the election of Members to Congress from this State, held on the 6th day of November, 1865;

Which bill was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed.

Mr. Walker, joint resolution of the General Assembly of the State of Alabama, ratifying an amendment to the Constitution of the United States.

Mr. Morse, memorial and joint resolution to the President of the United States, in relation to the withdrawal of the Federal troops from the State of Alabama.

Which joint resolutions and memorial were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Federal Relations.

Mr. Vansandt, to amend the revenue law of this State, which provides that all citizens of the State shall pay taxes on all they possess, except such property as therein exempted.

Mr. Ledbetter, for the relief of Levi Hinds, Tax Assessor for Madison county;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Message from the Senate.

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the town of Bluffton, in Chambers county.

To amend section 3147 of the Code, so as to prevent embezzlement and fraudulent conversions by bailees.

To repeal an act to prevent the sale of wines and spirituous liquors in the town of New Lexington, and in beat No. 2, west of North river, in the county of Tuscaloosa.

The Senate has passed the House bill,

To repeal an act to authorize A. T. Kenedy to erect a fish trap in a portion of the Coosa river, approved Nov. 17th, 1865.

M. TAUL, Secretary.

Mr. Thorn introduced a bill,

For the relief of James W. Legion, late jailor of Franklin county.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Frazer, to create a new county of portions of Macon, Russell and Chambers.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Echols, for the relief of securities.

Mr. Humphrey, to legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county.

Mr. Bush, to legalize the marriage of David Fletcher, of Marshall county;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Steadham, a petition for the relief of David L. Logan;

Which was laid on the table.

Mr. Grant introduced a bill,

To amend an act entitled an act to authorize John Grant to cut or excavate a channel or canal through the shoal or shell reef, which now obstructs the inland navigation between Dau-

phin Island and Cedar Point, in the county of Mobile, approved February 2d, 1839.

Mr. Bethea, to extend the indebtedness of the Montgomery and Eufaula Railroad Company to the State.

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Tompkins, to amend an act amendatory of an act to incorporate the "Alabama Direct Trade and Exchange Company;"

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Wamaseo, to amend the law of divorce;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Gibson, by leave, offered the following resolution, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of passing a law to legalize all marriages contracted between proper parties, and with due consent thereto, solemnized during the suspension of civil law, or during the existence of the recent revolution, although the said marriages may not have been solemnized under the established forms and requirements of the law, and report by bill or otherwise.

The hour of 12 o'clock, m., having arrived, the Senate were invited into the hall of the House, and

The two Houses in joint convention then proceeded to vote for three Judges of the Supreme Court of the State of Alabama.

Mr. A. J. Walker alone being in nomination, and receiving the whole vote cast (123 votes) he was declared by the Speaker to be duly and constitutionally elected Judge of the Supreme Court of Alabama, for the term prescribed by law.

The two houses, in joint convention, then proceeded to elect another Judge of the Supreme Court of Alabama;

Messrs. Geo. W. Stone and Wm. M. Byrd being in nomination.

Those who voted for Mr. Stone are—

Messrs. President, Ashley, Barnes, Castens, Cooper, Drake, Felder, Forney, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Mitchell, Norwood, Powell of Macon, Slaughter, Stansel, Wilkinson and Wood, of the Senate; Messrs. Bethea,

Borden, Bourland, Brooks, Bush, Caffey, Chapman, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hardie, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, McAlexander, McBee, McMillan, Palmer, Padgett, Pierce, Pipkin, Raisler, Robinson of Baldwin, Sheffield, Smith of Jackson, Stringer, Thrasher, Thorn, Waller, Williams, Jackson and Worthy, of the House—59.

Those who voted for Mr. Byrd are :

Messrs. Bell, Deason, Edwards, Foster, Gage, Garrett, Huckabee, Jones, Lindsay, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston and Woodliff, of the Senate; and Messrs. Speaker, Ash, Bankhead, Brandon, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Dobson, Doster, Edwards, Freeman, Goodwin, Grant, Hand, Hare, Judkins, Jones, Lawrence, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore of Perry, Moore of Coffee, Morse, Odum, Oliver, Owens, Plowman, Potter, Reese, Richardson, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Sturdivant, Tompkins, Vansandt, Walker, Warren, Whitfield, Williams of Randolph, Wilhite and Yonge, of the House—71.

Mr. Byrd having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected second Judge of the Supreme Court of Alabama for the term prescribed by law.

The two houses in joint convention then proceeded to elect another Judge of the Supreme Court of Alabama ;

Messrs. Wm. L. Mudd, John D. Phelan, Thos. J. Judge, and Chas. W. Rapier, being in nomination.

Those who voted for Mr. Mudd are :

Messrs. Deason, Edwards, Garrett, Jones, Lindsay, Montgomery, Powell of Tuscaloosa, Sykes, Winston and Woodliff, of the Senate ; and Messrs. Speaker, Ash, Brandon, Clark of Mobile, Cobb, Davis of Bibb, Dobson, Ellis, Hand, Hardie, Leeper, Malone, Malloy, Manasco, McBee, McCann, McLester, Oliver, Potter, Steadham, Vansandt, Warren and Wilhite, of the House—33.

Those who voted for Mr. Phelan are—

Mr. Drake, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Moren and Stansel, of the Senate ; and Messrs. Bankhead, Bourland, Bush, Freeman, Gibson, Goldthwaite, Goodwin, Humphrey, Lanier, Ledbetter, Mabry, McAlexander, McCoy of Russell, Meadors, Moore of Perry, Palmer, Padgett,

Pierce, Raister, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn and Waller, of the House—32.

Those who voted for Mr. Judge are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Felder, Forney, Foster, Gage, Huckabee, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson and Wood, of the Senate; and Messrs. Bethea, Borden, Brooks, Calky, Callaway, Chapman, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Gafford, Hare, Hawthorne, Henry, Judkins, Lawrence, Lindsay, McCain, McCoy of Tallapoosa, McMillan, Moore of Coffee, Odum, Owens, Pipkin, Prowman, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Thrasher, Walker, Whitfield, Williams of Jackson, Williams of Randolph and Worthy, of the House—56.

Those who voted for Mr. Rapiet are :

Messrs. Clark of Mobile, Grant, Morse, Smith of Choctaw, Tompkins and —, of the House—6.

Neither of the candidates having received a majority of the whole vote cast, the convention proceeded to vote a second time.

Mr. Rapiet's name was then withdrawn.

Those who voted for Mr. Judge are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Felder, Forney, Foster, Gage, Huckabee, Mitchell, Norwood, Powell of Macon, Slaughter, Wilkinson, and Wood, of the Senate; Messrs. Bethea, Borden, Brooks, Calky, Callaway, Chapman, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Frazer, Gafford, Grant, Hare, Hawthorne, Henry, Judkins, Lawrence, Lindsey, McCain, McCoy of Tallapoosa, McMillan, Moore of Coffee, Morse, Odum, Owens, Pipkin, Prowman, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Stringer, Thrasher, Tompkins, Walker, Whitfield, Williams of Jackson, Williams of Randolph, Worthy, and Yonge, of the House—53.

Those who voted for Mr. Mudd are—

Messrs. Deason, Edwards, Garrett, Jones, Lindsey, Montgomery, Moren, Powell of Tuscaloosa, Sykes, Winston, and Woodliff, of the Senate; Messrs. Speaker, Ash, Brandon, Clark of Lawrence, Cobb, Davis of Bibb, Dobson, Ellis, Hand, Hardie, Leeper, Malone, Milloy, Murasco, M'Be, M'Callum, M'Leister, Oliver, Potter, Steadham, Vandsandt, Warren, and Wilhite, of the House—34.

Those who voted for Mr. Phelan are—

Messrs. Drake, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, and Stausel, of the Senate; Messrs. Bankhead,

Bourland, Bush, Clark of Mobile, Freeman, Gibson, Goldthwaite, Goodwin, Humphrey, Lanier, Ledbetter, Mabry, McAlexander, McCoy of Russell, Meadors, Moore of Perry, Palmer, Padgett, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn, and Warren, of the House—32.

Neither of the candidates having received a majority of the whole votes cast,

Mr. Mudd's name was then withdrawn.

Mr. James Foster was put in nomination.

The convention then proceeded to vote a third time.

Those who voted for Mr. Judge are—

Messrs. President, Ashley, Barnes, Bell, Castens, Cooper, Elder, Foster, Gage, Huckabee, Jones, Mitchell, Montgomery, Norwood, Powell of Macon, Slaughter, Wilkinson, Winston, and Wood, of the Senate; Messrs. Bethea, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Edwards, Frazer, Gafford, Goldthwaite, Hand, Hardie, Hare, Hawthorne, Henry, Judkins, Jones, Lawrence, Leeper, Lindsey, Malloy, McCain, McCann, McCoy of Tallapoosa, McMillan, Morse, Odum, Oliver, Owens, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Thrasher, Tompkins, Vansandt, Walker, Whitfield, Williams of Jackson, Williams of Randolph, Willhite, Worthy, and Yonge, of the House—74.

Those who voted for Mr. Phelan are—

Messrs. Deason, Drake, Edwards, Garrett, Jackson of Lauderdale, Jackson of Morgan, Kilpatrick, Lindsay, Moren, Powell of Tuscaloosa, Stansel, and Sykes of the Senate; Messrs. Bankhead, Bush, Clark of Mobile, Freeman, Gibson, Goodwin, Grant, Humphrey, Lanier, Ledbetter, Mabry, Manasco, McAlexander, McCoy of Russell, McLester, Meadors, Moore of Perry, Palmer, Padgett, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Jackson, Sturdivant, Thorn, and Waller, of the House—41.

Those who voted for Mr. Foster are—

Messrs. Forney, and Woodliff, of the Senate; Messrs. Speaker, Ash, Borden, Brandon, Connelly, Dobson, Ellis, Malone, McBee, Potter, and Warren, of the House—13.

Mr. Judge having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected Judge of the Supreme Court of Alabama, for the term prescribed by law.

The Senate then withdrew.

Mr. Callaway, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency and necessity of establishing a separate Chancery District out of the county of Dale, and that they report by bill or otherwise.

#### SPECIAL ORDERS.

The bills to incorporate the Alabama Immigrant, Wite Labor and Real Estate Agency Company.

To authorize the removal of the administration of the estate of Stephen F. Poole, deceased, from the Probate Court of Marengo county, to the Probate Court of Sumter county ;

Were each ordered to be engrossed.

Mr. Echols, by leave, offered the following resolution, which was adopted :

*Resolved*, That a select committee of five be appointed to inquire into the present condition of the Chartered Banks and Railroads in this State with power to send for persons and papers, and report by bill or otherwise.

Messrs. Echols, Reese, Clark of Mobile, Williams of Jackson and Moore of Coffee, were appointed said committee.

Mr. Thorn, by leave, offered the following resolution, which lies over one day under the rules :

*Resolved*, That hereafter, when the members of this body adjourn, they shall convene as follows : at nine a. m. ; continue in session until one p. m. ; convene at half-past two o'clock p. m., and continue in session until four o'clock p. m.

On motion of Mr. Potter, the orders were suspended to take up the message from the Senate.

Senate bill :

To incorporate the town of Bluffton, in the county of Chambers ;

Was read the first, second and third times, and passed, under a suspension of the constitutional rule.

On motion of Mr. Williams of Jackson, the House adjourned until to-morrow morning at 10 o'clock a. m.

FRIDAY, December 1, 1865.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Petrie.

Journal of yesterday read and approved.

Mr. Vansandt asked leave of absence for Mr. McCain from Saturday morning until Wednesday morning. Granted.



Mr. Tompkins asked for leave of absence for Mr. McKinstry for two days. Granted.

Mr. Whitfield asked and obtained leave for the Judiciary Committee to sit during the session of the House.

On motion of Mr. Morgan, the call of the counties was suspended to enable him to offer a resolution, which was adopted, and ordered forthwith to the Senate :

*Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of the General Assembly meet in convention in the Hall of the House of Representatives, at a quarter past 12 o'clock to-day, for the purpose of electing a State Superintendent of Education, and a Quartermaster General for the State of Alabama.*

#### CALL OF THE COUNTIES.

Bills were introduced by

Mr. Meadors, to prevent the sale of vinous or spirituous liquors to freedmen and free persons of color ;

Mr. Cooper, (Mr. Gibson in the chair), to repeal all laws against the distillation of grain, &c., and to levy and collect a tax upon all spirituous liquors made or imported into this State ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Cooper, (Mr. Gibson in the chair), to incorporate Liberty Church in Cherokee county ;

Mr. Brandon, joint resolution authorizing William M. Wood of Cherokee, to peddle without license ;

Mr. Vansandt, a bill to authorize Wm. D. Richardson to peddle in Coosa county ;

Which bills, and joint resolution, were severally read the first, second and third times, and passed, under a suspension of the constitutional rule.

Mr. Robinson of Chambers, to abolish the State Penitentiary in the State of Alabama.

Mr. Echols, for the relief of the Probate Judge and justices of the peace of Macon county.

Mr. Goldthwaite, to compensate judges of the circuit courts for extra services.

Mr. Worthy, for the relief of Francis E. Hooks, Administrator of T. J. Hooks, deceased ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.

Mr. McCain, to create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties.

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Malone presented a petition,

Which was referred to the Committee on Local Legislation.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Southern Travelers Insurance Company.

To provide more effectually for the distribution of food among the destitute families of this State.

To punish malpractices by servants and employees of incorporated companies.

The Senate has also passed the House bill,

To lay off the county of Walker into four commissioners districts.

M. TAUL, Secretary.

Mr. Mabry introduced a bill,

To incorporate the town of Richmond, in Dallas county.

Which was read the first, second and third times, under a suspension of the constitutional rule.

On motion of Mr. Mabry, the vote ordering the bill to a third reading was reconsidered, and the bill was referred to the Judiciary Committee.

On motion of Mr. Mabry, the vote on the passage of the bill to incorporate Liberty Church, in Cherokee county, was reconsidered.

On motion of Mr. Gibson, the vote ordering the bill to a third reading was reconsidered, and the bill referred to the Judiciary Committee.

Mr. Bourland introduced a bill,

For the relief of Jesse T. Austin, administrator of the estate of John H. Faires, deceased;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Jenkins, to regulate contracts between white persons and freedmen.

Also, to suppress vagrancy.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Sheffield, for the relief of C. Farriss, Sheriff of Marshall county.

For the relief of Thomas C. Barclay, Clerk of the Circuit Court of Marshall county;

Which bills were read the first and second times, under a suspension of the constitutional rule and referred to the Committee on Accounts and Claims.

Mr. Tompkins, to incorporate the Mobile Trade Company;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Freeman, to authorize the Commissioners Court of Morgan county to issue county treasury notes for the purpose of defraying the county expenses, for the year 1866, in erecting a county jail, and for other purposes.

Which was read the first, second and third times, and passed, under a suspension of the constitutional rule, and ordered forthwith to the Senate.

Mr. Worthy presented a petition from Selina Davis and others.

Which was referred to the Judiciary Committee.

The hour of 12, m., having arrived, the Senate, by invitation, appeared within the hall of the House, and the two Houses, in joint convention, proceeded to elect an Attorney General for this State.

Messrs. A. B. Clitherall and John W. A. Sanford, being in nomination.

Those who voted for Mr. Clitherall, are—

Messrs. President. Ashley, Cooper, Forney, Foster, Gage, Jackson of Lauderdale, Kilpatrick, Lindsay, Moren, Powell of Tuscaloosa, Stansel, Winston and Wood, of the Senate; Messrs. Speaker, Borden, Caffey, Clark of Mobile, Cotten, Crenshaw, Davis of Bibb, Ellis, Gafford, Grant, Hardie, Hare, Henry, Jenkins, Lanier, Ledbetter, Leeper, Mabry, Manasco, McAlexander, McCann, McLester, Padgett, Pierce, Savage, Thorn, Tompkins, Waller, Whitfield and Yonge, of the House.

Those who voted for Mr. Sanford, are—

Messrs. Bell, Castens, Deason, Edwards, Felder, Garrett, Huckabee, Jackson of Morgan, Jones, Mitchell, Montgomery, Norwood, Powell of Macon, Sykes, Wilkinson and Woodliff, of the Senate; Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of

Lawrence, Cobb, Connelly, Culver, Davis of Barbour, Dobson, Doster, Edwards, Frazer, Goldthwaite, Hand, Hawthorne, Mumphrey, Jones, Lawrence, Lindsey, Malone, Malloy, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillen, Headers, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Vansandt, Walker, Warren, Williams of Randolph and Worthy, of the House—76.

Mr. Sanford having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Attorney General, for the term prescribed by law.

The Senate retired to its chamber.

On motion of Mr. Connelly, the orders of the day were suspended to enable him to present a petition from the citizens of Randolph and Calhoun counties, asking for a new county, to be composed of portions of the said counties;

Which was referred to the Committee on County Boundaries.

Mr. McCoy of Russell, by leave, introduced a bill,  
For the relief of Elizabeth Darcy, of Russell county.

Mr. Plowman, to regulate the duty and define the liabilities of railroad companies;

Each of which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Wilhite, by leave, a bill to incorporate the Commissioners Court of Winston county to issue county bonds, and to levy a special tax;

Which bill was read the first, second and third times, and passed, under a suspension of the constitutional rule.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following bills as being correctly enrolled:

To authorize certain officers of Bibb county to make publication in the newspapers of Selma.

A joint resolution to authorize the Provisional Governor to contract for a loan for the State.

The bill to incorporate the Alabama Emigrant, White Labor and Real Estate Agency Company, was taken up.

Mr. Manasco moved to indefinitely postpone; pending which motion,

The Speaker announced that Messrs. Leeper and Ellis were added to the Committee on Local Legislation.

And, on motion of Mr. Bethea, the House adjourned until ten o'clock to-morrow morning.

---

SATURDAY, December 2, 1865.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of yesterday read and approved.

Mr. Pipkin obtained leave of absence for one day for Mr. Davis of Barbour.

Mr. Jones moved to suspend the call of the counties, to enable him to report the "Joint Resolutions of the General Assembly of the State of Alabama, ratifying an amendment to the Constitution of the United States," from the Committee on Federal Relations.

The call was suspended,

When Mr. Jones, as chairman of the committee, reported favorably on the joint resolutions, and recommended their passage.

Mr. Williams of Jackson moved to amend, as follows:

*Resolved*, Further, that any attempt made by Congress to legislate upon the political status of the former slaves, or their civil relations, would be contrary to the constitution of the United States, as it now is, or as it would be by the proposed amendment, and the exercise of such power is protested against by the State of Alabama.

Mr. Bethea offered the following substitute for the amendment.

3. Be it further resolved, That this amendment to the constitution of the United States, is adopted by the Legislature of Alabama, with the understanding that it does not confer upon Congress the power to legislate upon the political status of Freedmen in this State.

The substitute was adopted. Yeas, 75; nays, 15.

AYES—Messrs. Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Conelly, Cotten, Cox, Crenshaw, Culver, Doster, Dobson, Echols, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Ledbetter, Lindsey, Mabry, Malone, Manasco, McBee, McCoy of Russell, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Wilhite, Worthy, and Yonge—75.

NAYS—Messrs. Cobb, Edwards, Hand, McCann, McCoy of Tallapoosa, McLester, McMillan, Oliver, Plowman, Raisler, Richardson, Vansandt, Warren, Whitfield, and Williams of Randolph—15.

The joint resolutions were then read a third time and adopted, under a suspension of the constitutional rule. Ayes, 75; nays, 17.

AYES—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Calloyay, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Conelly, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Frazer, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCann, McLester, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thorn, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Yonge—75.

NAYS—Messrs. Bankhead, Gafford, Goldthwaite, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Pierce, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Stringer, Thrasher, and Worthy—17.

And they were ordered forthwith to the Senate.

Message from His Excellency, the Provisional Governor, by his private secretary, Samuel H. Dixon, as follows:

EXECUTIVE DEPARTMENT OF ALABAMA, }  
Montgomery, December 1st, 1865. }

TO HON. THOMAS B. COOPER,

*Speaker of the House of Representatives:*

On 30th September last, I addressed a circular to the judges of probate of the several counties in the State of Alabama, of which the following is a copy:

EXECUTIVE DEPARTMENT OF ALABAMA, }  
Montgomery, Ala., September 30th, 1865. }

*To the Honorable Judge of Probate of ——— County:*

SIR: You are hereby requested to inquire into, and report to this Department, by the meeting of the next Legislature, which will convene in this city on the third Monday in November next:

1. The number of indigent families in your county.
2. The number of persons in each family.
3. The extent of their destitution.
4. The estimated amount required for their support, per month.
5. State the number of males and females in each family, and their ages.
6. State the character of the infirmities, and the cause of their not being able to earn their own livelihood.

I hope you will proceed at once to take the necessary steps to carry into effect the provisions of the foregoing request, as it is of vital importance to the interest of the State, that your report should be ready for the action of the Legislature.

Respectfully,

LEWIS E. PARSONS,  
Provisional Governor of Alabama.

In reply, I have received reports from the following counties, which I respectfully submit :

Autauga, Baldwin, Bibb, Blount, Cherokee, Chambers, Coosa, Coffee, Calhoun, Covington, DeKalb, Dallas, Franklin, Henry, Jackson, Jefferson, Limestone, Lowndes, Madison, Marengo, Morgan, Mobile, Marshall, Pickens, Russell, Shelby, St. Clair, Talladega, Walker, Winston, and Washington.

LEWIS E. PARSONS, Prov. Gov. of Ala.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following resolution :

*Resolved,* That with the concurrence of the House of Representatives, Dr. L. C. Garland, President of the State University, be and he is hereby requested to address the two Houses in convention, and present to them such information as will enable the General Assembly to legislate advisedly upon the matters and interests of the institution, and that for the purpose of hearing such address the two Houses will convene in the Representative Hall, on the 2d inst., at quarter past 3 o'clock p. m.

On motion of Mr. Freeman, the orders of the day were suspended to take up the message.

The resolution was concurred in, and the Senate notified *hereof*.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills :

To give the Probate Court of Macon county jurisdiction of the estate of J. C. Slocum, deceased, late of Tallapoosa county.

For the relief of J. B. Walden, late Solicitor of the 5th Judicial Circuit.

To give the Probate Court of Perry county jurisdiction over the estate of Dr. John A. Jones of Dallas.

To amend an act incorporating the town of Newbern, in Greene county, so as to give the Intendant the powers of Justice of the Peace.

To incorporate the Citizens' Mutual Insurance Company of Mobile.

To make Samuel S. Cornwell, (a liner between Conecuh and Monroe counties) a citizen of Monroe county.

The Senate has originated and passed the following bills :

To incorporate the Alabama College of Physicians and Surgeons and the Charity Hospital at Montgomery.

To amend section 1747 of the Code.

To incorporate the City of Tuscaloosa.

M. TAUL, Secretary.

On motion of Mr. Bethea, the orders of the day were suspended to enable him to make a report from the Committee on Freedmen, accompanied by an original bill, and recommending its passage.

The Speaker decided the report and bill out of order, because no standing committee has the right to originate a bill of its self, upon a subject not committed to it.

Mr. Mabry appealed from the decision of the Chair. The House sustained the Speaker.

Mr. Bethea was permitted to amend his report, as follows :

The Committee on Freedmen, to whom was referred so much of the Provisional Governor's Message as relates to freedmen, ask leave to report the accompanying bill, in accordance with the suggestion made in said message, and recommend its passage :

A bill to protect the freedmen of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and made the special order for Tuesday next at 12 m., and one hundred and thirty-three copies ordered to be printed.



Message from His Excellency, the Provisional Governor :

EXECUTIVE DEPARTMENT, Dec. 3, 1865.

*Mr. Speaker :*

The Governor has approved joint resolutions to authorize the Provisional Governor, to contract a loan for the use of the State, which originated in the House of Representatives.

Very respectfully,

SAMUEL H. DIXON, Priv. Secretary.

Mr. Mabry, by leave, introduced a bill to prevent the propagation of contagious and infectious diseases, amongst prisoners in the jails of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee consisting of Messrs. Mabry, Moore of Coffee, and Waller.

Mr. Moore, of Coffee, by leave, a bill

To punish vagabonds ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

For the relief of John Walden, late Solicitor of the 5th Judicial Circuit ;

To lay off the county of Walker into four Commissioners' Districts ;

To repeal an act to authorize A. T. Kennedy to erect a fish trap in a portion of the Coosa river, approved Nov. 17, 1863.

On motion by Mr. Padgett, the House adjourned till three o'clock, p. m., this evening.

EVENING SESSION—3 o'clock, p. m.

House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Bethea, Brandon, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Dobson, Freeman, Gibson, Grant, Henry, Humphrey, Lanier, Lawrence, Ledbetter, Lindsay, Mabry, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Chambers, Sheffield, Stringer, Thorn, Vansandt, Waller, Williams of Randolph, Wilhite, Yonge—40.

No quorum being present, the roll was again called, and the following members answered to their names:

Messrs. Speaker, Ash, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Culver, Davis of Bibb, Dobson, Edwards, Freeman, Grant, Hand, Hawthorne, Henry, Humphrey, Lanier, Lawrence, Ledbetter, Lindsay, Malone, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Moore of Perry, Odum, Oliver, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Stringer, Sturdivant, Thorn, Vansandt, Waller, Warren, Williams of Randolph, Wilhite and Yonge—52.

A quorum being present,

Mr. Freeman asked that his name be recorded in favor of the adoption of the joint resolution ratifying an amendment to the Constitution of the United States. So ordered.

#### ORDERS OF THE DAY.

House bill to incorporate the Alabama Immigrant, White Labor and Real Estate Agency Company being under consideration, and the question being on the motion to indefinitely postpone the bill, it was indefinitely postponed.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has adopted the joint resolutions of the House ratifying an amendment to the Constitution of the United States.

M. TAUL, Secretary.

The Senate bill to amend section 3147 of the Code so as to prevent embezzlement and fraudulent conversions by bailees, was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on the Judiciary, with instructions to see that the bill conforms to section 2 of Article IV of the Constitution.

House bills—

Ratifying and confirming the election of members to Congress from this State, held on the 6th day of November, 1865;

To authorize the removal of the administration of the estate of Stephen F. Pool, deceased, from the Probate Court of Marengo county, to the Probate court of Sumter county;

Were read a third time and passed.

Senate bill—

To authorize the mayor and aldermen of the city of Tuscaloosa to levy a tax of one per cent. on the real and personal property within the limits of said city ;

Was read the second and third times, under a suspension of the constitutional rule, and passed.

The hour of half past three o'clock having arrived, the Senate by invitation, appeared within the hall of the House, and the two Houses in joint convention, were prepared to hear the address of Dr. Garland.

Mr. Stansel, of the Senate, moved that a committee of three be appointed, to wait upon Dr. Garland and invite him to address the convention ; adopted, and Messrs. Stansel, Bethea and Moren were appointed said committee.

Mr. Stansel, from said committee, reported Dr. Garland not present.

On motion of Mr. Stansel, the convention adjourned till half past 3 o'clock p. m., on Monday next.

On motion of Mr. Smith, of Chambers, the House adjourned till 10 o'clock a. m., on Monday next.

---

MONDAY, December, 4th, 1862.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Potter.

The journal of Saturday was read and approved.

The Speaker laid the following communication of Mr. Garland before the House :

MONTGOMERY, December 4th, 1865.

*To the Honorable The Speaker of the House of Representatives :*

I beg you to make known to the House, the fact that I was not until 6 o'clock p. m., on Saturday last, apprised of the resolution, courteously extending to me the privilege of addressing the House at 3 o'clock, on the subject of rebuilding the University.

I perceive that the courtesy is extended to 3 o'clock this afternoon, and I will gratefully avail myself of it.

I have the honor to be, with the highest consideration,

Your Obedient Servant,

L. C. GARLAND,

President of the University.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Richardson, to require deeds, mortgages, and other

instruments of writing for the conveyance of property to be recorded before taking effect, as to creditors and subsequent purchasers, without notice ;

Mr. Richardson, to regulate suits for partition of real estate.

Mr. Mabry, to provide for the trial and punishment of misdemeanors in certain cases, before Justices of the Peace ;

Mr. Pierce, to ratify the issuance of change bills, under certain circumstances ;

Mr. Smith, of Jackson, to legalize marriages that took place within the Federal military lines, during their occupation of the State, between the 11th day of April, 1862, and the 1st day of July, 1865 ;

Mr. Smith, of Jackson, to regulate the collection of debts in the State of Alabama, contracted prior to the 1st of May, 1865 ;

Mr. Williams, of Jackson, to stay Judicial proceedings in the State of Alabama ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. McBee, to form a new county, to be called the county of "Cleburne," from portions of Calhoun and Randolph counties, which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Potter offered the following resolution, accompanied by a petition, which resolution was adopted, and it and the petition referred to the Committee on the Judiciary :

*Resolved*, That the petition of John S. Moragne and others, herewith presented, requesting the passage of a law authorizing Mrs. Catherine Hughes, the widow of Joseph Hughes, late of Gadsden, in Cherokee county, deceased, to keep the estate of her husband together, and for other purposes, be referred to the Committee on the Judiciary, with instructions to enquire into the expediency and power of this General Assembly, to grant such authority, and report at the earliest day possible, by bill or otherwise.

Bills were introduced—

By Mr. Lawrence, to prevent the Court of County Commissioners for Cherokee county, from laying a greater tax than fifty per cent. upon the State tax for county purposes ;

Mr. Reese, to provide for the location of the Court House in Dallas county.

Mr. McAlexander, to authorize the Commissioners' Court of the county of Lauderdale, to issue Treasury Notes to pay for

the building of important bridges, repairing of Court House, and for other county expenses ;

Mr. McAlexander, memorial and joint resolutions of the General Assembly of the State of Alabama, to the President of the United States ;

Mr. Henry, to re-enact the laws incorporating the town of Carrollton, in Pickens county ;

Mr. Hare, to amend the charter of the town of Gainesville, and confirm an election ;

Mr. Manasco, to supply books to the Probate Judge of Walker county ;

Which bills and joint resolutions were each read the first, second and third times, under a suspension of the constitutional rule and passed.

Mr. Smith, of Choctaw, for the protection of the person and property of freedmen in the State of Alabama ;

Mr. Clark of Lawrence, to provide for the judgment of cost and fines before Justices of the Peace in criminal cases ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Freedmen.

Mr. Walker, to aid agriculture in the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee of nine ; Messrs. Walker, Worthy, Odum, Chapman, Sheffield, Smith of Jackson, Richardson, Caffey, and Hare, composed said committee.

Mr. Edwards, a joint resolution, providing for adjournment on the 15th instant, and to re-assemble on the 22d January next ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Manasco, moved to amend, by striking out 15th day of December, and inserting the 18th of December, and striking out the 22d day of January next, and inserting 2d Monday in January next.

Mr. McCoy of Russell, moved to amend, by striking out the 15th, and inserting the 8th, and striking out the 22d of January, and inserting the first Monday in February.

Mr. Bethea, moved to postpone till Wednesday next, and make it the special order for 12 o'clock m. ; adopted.

Mr. Vansandt, to make Lucy Freeman, of Coosa county, a free dealer ;

Mr. Moore, of Perry, to authorize the guardians of Sallie Ann and Drury Fair Jones, to lease and repair the real estate of said Jones ;

Which bills were severally read the first and second times under a suspension of the constitutional rule, and were referred to the committee on local legislation.

Message from the Senate by Mr. Garrett:

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To provide for the printing and distribution of the decisions of the Supreme Court ;

To legalize the act of the probate court of Clarke county appointing R. H. Northrup, administrator of John Dorth, deceased, and to transfer said administration to Wilcox county ;

To authorize Minerva A. Carrol, administratrix, of the estate of Thos. Henissee to remove the administration of said estate to the county of Tuscaloosa ;

To empower the probate judge of Madison county to grant letters of administration upon the estate of John Geron ;

To provide for taking and approving the bonds of probate judge ;

To regulate the payment of costs of prosecution in criminal cases in which the defendants may be insolvent in Montgomery county ;

To repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1865 ;

To incorporate the Union Express Company ;

To legalize the marriage of John P. Logan and Martha Smith, residents of Macon county ;

To regulate the fees of certain officers in Lauderdale county ;

To alter and amend the charter of the Girard Railroad Company, approved January 30, 1854 ;

To punish assaults with intent to murder, rob, &c., with death.

The Senate has passed the House bill—

To amend an act to incorporate the N. E. & S. W. Alabama R. R. Company so as to authorize said corporation to sell and transfer its franchises, assets, &c.

M. TAUL, Secretary.

Mr. Oliver offered the following resolution, which was adopted :

*Resolved,* That the Governor be requested to communicate to this house what information he may have, if any, concern-

ing records of Alabama soldiers, with such suggestions as he may choose to make thereon.

Mr. McAlexander introduced a bill exempting certain counties lying on the Tennessee river, in North Alabama, from taxation for the year 1865 ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Steadman, a bill to authorize the Secretary of State to issue a patent to Greene M. Haley, of Marion county, for certain lands therein described ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Sheffield, a bill for the relief of W. T. May, judge of probate of Marshall county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Tompkins, a bill to incorporate the City Savings Association of Mobile ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Clark, of Mobile, offered the following resolution, which was adopted, and was referred with the accompanying pamphlet to the Committee on Freedmen :

Whereas, printed copies of the "Constitution of the Agricultural Association of the county of Monroe" have been distributed among the members of the House of Representatives ; and whereas the articles of said association embrace matters of vital importance to the agricultural interest of the State, therefore,

*Resolved*, That the constitution of the Agricultural Association aforesaid be referred to the Committee on Freedmen for such action upon the questions involved as may be deemed expedient.

Bills were introduced by—

Mr. Freeman, to authorize the commissioners' court of Morgan county to divide said county into four commissioners' districts ;

Mr. McCoy, of Russell, to repeal an act to change the time of holding the circuit court for Russell county, in the 9th judicial circuit ;

Mr. Hardie, to authorize the Court of Probate to order the

sale of personal property belonging to the estates of decedents ;

Mr. Hardie, to take the census of the State of Alabama, for the year 1866 ;

Mr. Thrasher, to provide for the taking of testimony upon interrogatories in certain criminal cases ;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the Senate, by Mr. Garrett—

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To regulate the police of the town of Greenville ;

For the relief of Richard H. Oakley, of Bibb county ;

To authorize the probate court of Sumter county to grant an order to the guardian of Parham Yarbrough, a minor, to sell the lands belonging to said minor, either at public or private sale.

M. TAUL, Secretary.

Mr. Henry, a bill to levy a special tax on certain persons therein named ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The hour of twelve o'clock having arrived,

On motion of Mr. McCann, the orders of the day were suspended, to continue the call of the counties.

Mr. McCann introduced a bill—

To form a new county, to be called the county of "Hillabee," from portions of Talladega and Randolph counties ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. McCoy, of Tallapoosa, introduced a bill—

To repeal the 4th section of an act entitled an act to incorporate the Tallassee Manufacturing Company, which prohibits the sale of ardent, spirituous, or intoxicating liquors within four miles of the factories of said corporation, approved the 29th day of June, 1852 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.



On motion of Mr. Morse, the orders of the day were further suspended, to enable committees to report.

Mr. Mabry, from the select committee of three, to whom was referred the bill to prevent the propagation of contagious and infectious diseases amongst prisoners in the jails of the State of Alabama, reported the bill back with amendments, and the bill and proposed amendments were referred to the Committee on the Judiciary.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has amended the resolution of the House in relation to the election of a State Superintendent of Education, and Quarter Master General, by striking out "State Superintendent of Education," and by adding after Quarter Master General, "an Adjutant and Inspector General, and Trustees of the State University," and by fixing the hour for said election on to-morrow at 12 o'clock, m.

MICAH TAUL, Secretary.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bill:  
To protect freedmen in their rights of persons and property, in this State.

MICAH TAUL, Secretary.

Mr. Whitfield, from the Judiciary Committee, reported the following amendments to the bill :

To incorporate the Alabama Oil and Mining Company, and, as amended, recommended the passage of the bill.

Amend 1st section by adding the following :

"Provided however, that said corporation shall be organized, in accordance with the provisions of this charter, within three years from the approval of this act."

Amend 2d section by adding after the words "may increase the amount of capital stock," the words, "to one million of dollars," and after the words "and number of shares," in the 7th line of said section, by adding the words, "to ten thousand."

Amend 5th line 5th section, by striking out the words, "such points as they may select," in fourth line, and inserting in lieu thereof, the words, "such point or points as may

be most convenient and practicable to establish a direct communication with any public railroad or navigable river."

The amendments were adopted, the bill read the third time and passed.

Mr. Meadors, from the Committee on the Judiciary, reported favorably on the bill—

For the relief of Augustus C. Finley, of the county of Chambers ;

For the relief of Charles H. Phillips, of Chambers county ;  
Which were severally read the third time, and passed.

Mr. Whitfield, from the same committee made the following report :

The Committee on the Judiciary, who were instructed by a resolution of the House to ascertain and report " whether those trustees of the State University who have been elected since 1861, are now in office, and eligible in law to discharge the duties of the trust," have carefully examined and considered the subject thus referred to them, and have instructed me to report, that, in their opinion, the trustees of the State University, though elected by the General Assembly, are simply the directors or officers of the corporation, and not State officers, or officers of the State government ; that, consequently, their offices are not vacated by the ordinance of the late State convention, adopted on the 29th of September, 1865, entitled " an ordinance to vacate certain offices, &c.," and that the trustees who have been elected since 1861, are now in office, and capable in law to discharge the duties of the trust, unless, since their election, they have died or resigned.

N. L. WHITFIELD, Chairman.

On motion of Mr. Echols, the report was laid on the table.

Leave was granted the Committee on Freedmen to sit during the sessions of the House.

On motion of Mr. Thrasher, the House adjourned till quarter 3 o'clock p. m.

AFTERNOON SESSION—3¼ o'clock p. m.

The message from the Governor, relative to the destitution in this State, was referred to the Committee on Destitution and Supply, with instructions to prepare a tabular statement showing the destitution in the various counties as exhibited by the documents referred.

By invitation, the Senate appeared within the hall of the House, and listened to the address of Dr. Garland, at the conclusion of which, the Senate retired.

Mr. Hardie moved that the House adjourn till to-morrow morning at 10 o'clock. Carried.

TUESDAY, December 5th, 1865.

House met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

On motion of Mr. Bethea, the reading of the journal was dispensed with, to enable the Committee on Freedmen to report.

Mr. Smith of Choctaw, from that committee, reported a bill, to regulate contracts between white persons and freedmen.

Mr. Gibson moved to go into Committee of whole House on the bill. Lost.

The bill was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Gibson, moved to amend, by striking out "of," in the last line of the fourth section, and inserting "not exceeding"; adopted. Also, by striking out "annually" in third line of 5th section, and inserting "continually." Adopted.

Mr. Edwards, moved to amend, by inserting the words, "or her," after "his," and before "agent," in the sixth line of the sixth section. Adopted.

Mr. Gibson, moved to amend, by striking out "at least" where it occurs in the sixth section, and inserting "not greater than." Adopted.

Mr. Smith of Choctaw, moved to amend, by adding the following sections; which motion was adopted.

"Section 11. *Be it further enacted*, That if any freedmen in this State shall fail to have a home or employment, by the time specified in this act, or shall be found without employment, strolling about the country, for more than ten days at one time thereafter, such freedman shall be deemed guilty of vagrancy, and shall be subject to arrest, and trial for vagrancy, by a Justice of the Peace, according to the provisions of this act."

"Section 12. *Be it further enacted*, That any person making an arrest in pursuance of the provisions of this act, shall be entitled to five dollars, to be taxed in the bill of cost, and two cents per mile for travelling to the office of such justice, and the said justice shall be allowed the same fees for issuing subpoenas, as in other cases, and for presiding on any trial for vagrancy and hiring out such vagrant, shall be entitled to a fee of five dollars; all to be taxed in the bill of cost, and to be collected in the same manner, that the judgment and fine is to be collected under the provisions of this act."

On motion of Mr. Worthy, the following amendment was adopted:

"Section 13. *Be it further enacted*, That forthwith after the passage of this act, ten thousand copies thereof shall be printed for general distribution."

And the bill as amended, was read the third time, under a further suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Garrett :

*Mr. President :*

The Senate has passed the following House bills :

For the relief of Margaret L. Estes and Niceny Estes, and their sureties ;

To authorize the removal of the estate of Stephen F. Pool, deceased, from the Probate Court of Marengo county, to the Probate Court of Sumter county ;

To empower the Commissioners' Court of Winston county, to issue county bonds, and to levy a special tax.

M. TAUL, Secretary.

On motion of Mr. Moore, of Perry, the message from the Senate, concerning the amendment to the House resolution, with reference to the election of State Superintendent of Education, &c., was taken up under a suspension of the rules ;

On motion of Mr. Gibson, the Senate amendment was amended by striking out "Trustees of the State University."

On motion of Mr. Bethea, the amendment of the Senate was further amended, by fixing the time of holding said election at 12 o'clock to-morrow ;

And, as thus amended, the Senate amendment was concurred in.

On motion of Mr. Goodwin, the orders of the day were suspended to take up the Senate bill—

To protect freedmen in their rights of person and property in this State ;

Which was read the first, second and third times, and passed, under a suspension of the constitutional rule.

The following amendment, offered by Mr. Jones, as proviso to the 2d section, was adopted :

*Provided*, That in all cases, civil or criminal, in any court in this State, where negroes are allowed to testify, both parties shall be competent witnesses, and no interest or relationship shall disqualify either party from testifying in open court.

And, as amended, was read the third time, and passed under a further suspension of the constitutional rule. Ayes, 49 ; nays, 42.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brooks, Callaway, Chapman, Clark of Mobile, Connelly, Cotten, Cox, Davis of Barbour, Davis of Bibb, Doster, Ellis, Goodwin, Grant,

Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Lawrence, Loeper, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCann, McLester, McMillan, Moore of Coffee, Moore of Perry, Oliver, Owens, Potter, Reese, Smith of Choctaw, Sturdivant, Thorn, Vansandt, Waller, Whitfield, Williams of Randolph and Wilhite—19.

NAYS—Messrs. Ashford, Bankhead, Bethea, Brandon, Bush, Caffey, Clark of Lawrence, Crenshaw, Culver, Dobson, Echols, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Judkins, Ledbetter, Lindsey, McAlexander, McCoy of Russell, McCoy of Tallapoosa, Meadors, Morse, Palmer, Padgett, Pierce, Pipkin, Raister, Richardson, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Stringer, Thrasher, Tompkins, Walker, Warren, Williams of Jackson and Worthy—42.

On motion of Mr. Bethea, the orders of the day were further suspended, to enable the Committee on Freedmen to report the bill—

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes, as a substitute for the bill.

To improve the condition of freedmen, and to provide against vagrancy ;

And recommended its passage.

Mr. Cooper, (Mr. Gibson in the chair,) moved to amend as follows :

Strike out the words “ in the opinion of the court,” where they occur in the line next to the last line of the first section, and insert in lieu thereof, “ proof shall be made thereof.” Strike out the words “ the said court shall be fully satisfied,” where they occur in the first and second lines of 2d section, and insert, in lieu thereof, these words, “ when proof shall be fully made before said court.”

Adopted.

The bill, as amended, was read the third time, and passed, under a suspension of the constitutional rule.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To give to the Probate Court of Macon county jurisdiction of the estate of J. C. Slocum, deceased, late of Tallapoosa county.

To give the probate court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county ;

To amend an act to incorporate the town of Newbern, in Greene county, so as to invest the intendant with the powers of justice of the peace ;

Joint resolutions ratifying an amendment to the Constitution of the United States.

On motion of Mr. Pierce, the House adjourned till ten o'clock to-morrow.

---

WEDNESDAY, December 6th, 1865.

House met pursuant to adjournment.

Prayer by Rev. Dr. McTycire.

Journal of the 4th and 5th instants, read and approved.

Mr. Reese moved a suspension of the call of the counties, to enable him to take up the Senate bill :

To provide more effectually for the distribution of food among the destitute families of the State.

The call of the counties was suspended, the bill taken up, read the first, second and third times, under a suspension of the constitutional rule.

Mr. Bankhead moved to reconsider the vote ordering the bill to a third reading.

Lost.

Mr. Cox moved to amend as follows, by engrossed ryder :

“SEC. 5. *Be it further enacted*, That the said commissioner, before entering upon his office, give bond, with sufficient sureties, to be approved by the Governor of the State, payable to the State of Alabama, and conditioned for the faithful discharge of the duties of his office, in such sum as the said Governor may prescribe”;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. McCoy, of Russell, offered the following as an amendment to the engrossed ryder :

“*Provided*, That no person shall be appointed commissioner who has acted in the quartermaster or commissary departments of the Confederate States.” Lost.

The engrossed ryder was read the third time and adopted, under a further suspension of the constitutional rule.

Mr. Manasco offered the following as an additional amendment, in the form of an engrossed ryder :

SEC. 6. *Be it further enacted*, That the traveling expenses of said commissioner shall not exceed one thousand dollars, or at that rate, per annum ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and adopted.

The bill, as amended, was then passed.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

For the relief of Wm. R. Horn, of Sumter county ;

To authorize the payment of the turnkey fees of jailors :

To authorize the commissioners' court of Talladega county, to issue bonds to build a county jail ;

The Senate has passed the following House bills :

To incorporate the Selma Fire and Marine Insurance Company.

To prevent the Court of County Commissioners of Cherokee county from levying a greater tax than fifty per cent. on the State tax for county purposes.

To provide for the location of the Court House of Dallas county.

To re-enact the laws incorporating the town of Carrollton in Pickens county.

To amend the charter of the town of Gainesville, and confirm an election.

To supply books to the Probate Judge of Walker county.

For the relief of Augustus C. Finley, of Chambers county.

For the relief of Charles H. Phillips, of Chambers county.

The Senate has originated and passed a bill, to amend section first of an act to incorporate the Grand Commandery of Knights Templars and the appendant orders of the State of Alabama, approved December 9th, 1861.

The Senate concurs in the House amendment to the Senate amendment to the House resolution, in relation to the election of State Superintendent of Education and Quartermaster General.

M. TAUL, Secretary.

The hour of 12 o'clock, m., having arrived, the Senate was invited into the hall of the House, and

The two Houses in joint convention proceeded to elect a Quartermaster General, and an Adjutant and Inspector General for the State of Alabama.

Messrs. Frank L. Smith and Reuben T. Thom being in nomination for Quartermaster General,

Those who voted for Mr. Smith are—

Messrs. Barnes, Bell, Drake, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Moren, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, and Winston, of the Senate ; Messrs. Ash, Ash-

ford, Bankhead, Borden, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Davis of Barbour, Dobson, Edwards, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand; Hardie, Hare, Hawthorne, Henry, Jones, Lawrence, Ledbetter, Leeper, Mabry, Malloy, McAlexander, McBee, McCoy of Russell, McCoy of Tallaposa, Moore of Perry, Morse, Oliver, Owens, Pierce, Potter, Reese, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Randolph, Wilhite, and Worthy, of the House—78.

Those who voted for Mr. Thom, are—

Messrs. President, Ashley, Castens, Cooper, Deason, Edwards, Felder, Forney, Foster, Gage, Garrett, Montgomery, Norwood, and Wood, of the Senate; Messrs. Speaker, Bethea, Brooks, Caffey, Callaway, Clark of Mobile, Cox, Crenshaw, Culver, Doster, Freeman, Gafford, Judkins, Lanier, Lindsay, Malone, Manasco, McCain, McCann, McLester, Meadors, Moore of Coffee, Odum, Palmer, Padgett, Plowman, Raisler, Richardson, Robinson of Baldwin, Williams of Jackson, and Yonge, of the House—45.

Mr. Smith having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Quarter Master General for the State of Alabama, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect an Adjutant and Inspector General.

Mr. H. P. Watson alone being in nomination, and having received all the votes cast, (126) was declared by the Speaker to be duly and constitutionally elected Adjutant and Inspector General for the State of Alabama, for the term prescribed by law.

And the Senate retired from the hall.

Mr. Freeman moved to suspend the orders of the day, to allow him to offer the following resolution, which was carried, and the resolution adopted :

*Resolved*, That the subject laid before the General Assembly, in the able address of Dr. Garland, President of the University of Alabama, with reference to the interests of our cherished institution, be referred to the Committee on Education, and that said committee be instructed to report, by bill or otherwise, what action may be necessary for the General Assembly to take for the accomplishment of the objects set forth as above.



On motion of Mr. Gibson, the rules were further suspended, to enable him to offer the following resolution, which was adopted :

*Resolved*, That the Clerk of the House of Representatives be authorized to employ such additional assistants as he may require to discharge, in an efficient manner, the business of the House.

On motion of Mr. Goodwin, the rules were further suspended to allow him to have the Senate bill, to incorporate the city of Tusculumbia, taken up ;

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

The House proceeded to consider the special order for this hour, being the bill to protect the Freedmen of the State of Alabama.

Mr. Pierce moved to insert the words "who knowingly" before "permits", in first section. Lost.

Mr. Cox moved to insert "without a contract," after the words, "length of time," in the first section.

Mr. Smith, of Choctaw, offered the following substitute for this amendment, which was lost :

*Provided*, That if any owner of land, upon which freedmen may be occupants as aforesaid, shall commence an action of unlawful detainer, or other action or proceeding, for the removal of such freedmen from such land, he shall not be subject to any of the penalties or liabilities provided for in this act, after the commencement of said action or proceeding.

The amendment of Mr. Cox was then adopted.

On motion of Mr. Jones, the vote adopting the amendment of Mr. Cox was reconsidered, and the amendment was then withdrawn by him, by unanimous consent.

Mr. Williams, of Jackson, moved to adjourn.

Lost.

Mr. Clark, of Mobile, moved to amend by inserting the words "or incorporate," after "color," and before "who," in first section, and after "landlord," wherever it may occur in the bill, and also the words "or they" after "be" in second section.

Adopted.

Mr. Gibson moved to amend as follows, to be inserted after "enacted" in section 4th.

Lost.

That the following shall be a sufficient form of indictment for violations of this act :

STATE OF ALABAMA, } Circuit Court,  
 \_\_\_\_\_ County. } \_\_\_\_\_ Term, 186 .

The grand jury of said county charge, that before the finding of this indictment (A. B.) did knowingly allow (C. D.), a free person of color, to occupy his premises, and failed to furnish the said (C. D. or his family), necessary food, clothing, medical attendance, medicine, or to pay his taxes—contrary to the peace and dignity of the State of Alabama.

Mr. Robinson, of Chambers, offered the following amendment, which was adopted :

SECTION 5. *Be it further enacted*, That no portion of this bill shall be so construed as to conflict with the provisions of a bill entitled an act to regulate contracts with freedmen.

Mr. Clark, of Mobile, offered the following amendment :

Provided, That this act shall not be construed so as to include the families of free persons employed as household servants in cities or towns.

Mr. Manasco moved to amend this amendment by adding, “or in the country.”

Lost.

Mr. Morse moved to suspend the rules, to enable the Committee on Federal Relations to report.

Lost.

Mr. Manasco moved to adjourn until ten o'clock to-morrow.

Lost.

Mr. Freeman offered the following amendment, which was lost:

After “time,” in 4th line of section 1st, insert “without having taken all possible legal steps for their removal or expulsion.”

Mr. Cobb offered the following amendment, which was lost :

Strike out all after the word “landlord,” in the first line in the third section, to the word “to” in the 2d line.

Mr. Connelly moved to amend as follows, which was lost :

Strike out “rents or,” in the first section.

Mr. Manasco moved to amend—

By excepting the county of Walker from the operation of this bill.

The counties of Shelby, Cherokee, Randolph, and Jefferson, were respectively added to the exception.

This amendment was also lost.

The bill was then read a third time, and passed. Ayes, 57 ; nays, 26.

YEAS—Messrs. Ashford, Bethea, Borden, Bourland, Brooks,

Caffey, Callaway, Chapman, Clark of Mobile, Cox, Crenshaw, Davis of Barbour, Doster, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Hare, Hawthore, Henry, Judkins, Jones, Lanier, Ledbetter, Mabry, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tollapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odum, Padgett, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thrasher, Thorn, Walker, Waller, Whitfield, Wilhite and Worthy—57.

NAYS—Messrs. Speaker, Ash, Bankhead, Brandon, Bush, Clark of Lawrence, Cobb, Connelly, Cotten, Dobson, Freeman, Hand, Lawrence, Lindsey, Malone, Malloy, Manasco, Morse, Oliver, Potter, Sheffield, Steadham, Tompkins, Vansandt, Warren, and Williams of Randolph—26.

Message from His Excellency the Governor, by Mr. Dixon :

*Mr. Speaker :*

I am instructed by His Excellency the Governor, to transmit the following message, in reply to resolutions of the House of the 4th inst., in relation to records of Alabama soldiers.

Respectfully,

SAMUEL H. DIXON, Private Secretary.

MONTGOMERY, Dec. 6, 1865.

*To Hon. Thomas B. Cooper, Speaker of the House of Representatives:*

Sir—In response to the resolution of the House, of the 4th instant, requesting me to communicate such information as I may have, if any, concerning records of Alabama troops, with such suggestions as I may choose to make, I herewith submit a report made to me by W. H. Fowler, late Superintendent of Army Records for the State of Alabama, with the accompanying papers, which are made a part of this message.

The records described herein are of great historical value to the State as illustrating the valor and sufferings of her soldiers, and ought to be possessed and preserved by her.

I respectfully recommend that the General Assembly shall make provision to obtain the same in such manner as it may deem best.

LEWIS E. PARSONS,  
Provisional Governor of Alabama,

MONTGOMERY, ALA., Dec. 4th, 1865.

*To His Excellency Lewis E. Parsons, Provisional Governor of Alabama:*

Sir—Under the act of the Legislature, approved December 7th, 1865, I was appointed Superintendent of Army Records for the State of Alabama, for the purposes specified in the act.

In the discharge of the duties of that office, I collected a large and interesting mass of records, comprising returns from the greater portion of the troops in the field from this State; being carefully prepared rolls of company, regimental and brigade organizations, showing the names and service of men and officers; deaths and other casualties; names, dates and reports of battles; personal incidents worthy to be preserved; and very complete histories in full of many regiments and special companies. And, upon a plan adopted in accordance with the directions of the law, I was in a fair way to speedily complete the work contemplated. The events however, of April and May, 1865, brought it to an abrupt termination in consequent confusion; and much of the material that I had accumulated, having been deposited by me in the State Capitol at Montgomery, was lost or misplaced in the evacuation of this city, at the date named. These missing records pertain principally to the army of Tennessee and the troops serving South of Virginia, and I have some hope that they may yet be reclaimed. I was at Richmond at the time named, endeavoring to get the records of the Alabamians in the army of Northern Virginia; in which effort I succeeded most happily, and have preserved them almost entire—only wanting the addition of some small organizations which I was estopped from obtaining, and the casualties and events of the memorable closing scenes immediately preceding and at the time of the surrender of General Lee.

These documents I have not kept clandestinely, but informed the Federal commander nearest to my residence of my possession of them, and also notified your Excellency. And I have brought them here for such disposition as the General Assembly may choose to make of them—thinking, as I did, that it would desire, in the spirit of the law of 1863, and in accordance with the common custom of civilization, which is never objected to by a generous victor, to honor the brave men who fought, and the gallant sons of Alabama who died, as they believed, for her interests and honor, by preserving every available authentic memorial of them and their deeds—deeds, which, however much the State may have erred in the issue made, and notwithstanding the arbitrament of the sword has

decided that issue against her, have clothed her with an imperishable renown.

The paper herewith, marked "A," is an exhibit of all the regimental and brigade organizations, showing the number of men and casualties from various causes, of Alabamians, in the army of Northern Virginia, prepared by me from my records only a few weeks previous to the surrender. I have the records quite complete for all the commands here named—except as mentioned for the closing scenes—besides which I have some batteries of artillery and cavalry companies, parts of smaller infantry commands, and memoranda of Alabamians attached to other organizations in same army.

In addition hereto, I have the records to the time I received them, of the 18th, 31st, 32d, 36th, 38th, and 58th Infantry Regiments, with some batteries of Artillery and Cavalry commands, which belonged to the Army of Tennessee, together with transcripts of muster rolls of a few Alabama commands, rosters of officers, and a list of general officers, reports of battles, &c., obtained at Richmond. But, as before stated, the most of my collections from these sources was lost in the evacuation of Montgomery.

Further, in addition to the above, under a law "for the relief of families of deceased soldiers," &c., approved Dec. 8th, 1863, I was agent on the part of the State to settle and adjust certain claims for the benefit of such families, and I have preserved the books and papers of this Department, wherein I have the names of not less than ten thousand dead, representing nearly every command from Alabama.

Of course an accurate estimate cannot be made from such imperfect data of the number of troops sent into the field from this State, and their casualties by death and otherwise; but an approximation to it might be made by considering the number in the Army of Northern Virginia in comparison with the residue. It will be under the mark to assume that the number of Alabamians in that army was not less than thirty thousand, (30,000)—exclusive of the 26th Alabama Infantry Regiment, which was there for a considerable time, and suffered severely, with a loss by death from battle and disease, *in connection with the commands* of over nine thousand, or a fraction less than one-third!

This does not include deaths after resignation, retirement, or discharge; and of these classes, I find that about one-half are either dead or permanently disabled. To include the deaths during the last days of that army, would make this estimate fall far short of the reality. I am satisfied that I am safe in

saying that the Alabamians in the Army of Northern Virginia were not more than one-fourth of the whole number in the field from this State ; and that, whilst the ratio of casualties may be somewhat less for the remainder, it is not materially less—except it may be of killed in battle. Besides what I have lost, I have the names of nearly twenty thousand dead ; and this cannot exceed one half of the whole ! It is a mournful record, but honorable to the brave who sleep in soldier's graves, and alike honorable to the State for whom they died. I assert, with confidence, that Alabama sent more troops into the service in proportion to population than any other State of the South, and that her loss was heavier than any other, irrespective of population. I am certain, too, that when Gen. Lee surrendered his army the representation from Alabama, on the field that day, was inferior to no other Southern State in numbers, and surely not in gallantry. My Records illustrate these with other important facts, in the history of Alabama soldiers.

The papers hereto attached, marked "B" and "C", exhibit my account with the State ; being abstracts from the books in the Auditor's office. Upon this subject, though a large balance for expenditure and labor appears in my favor, which I expected would be reimbursed to me, I make no demand, but refer the disposition of the documents in my possession to the wisdom and justice of the Executive and the Legislature.

Very Respectfully,

Your Obedient Servant,

W. H. FOWLER.

RECAPITULATION OF ALABAMA TROOPS IN THE ARMY OF NORTHERN VIRGINIA, FEBRUARY 1, 1865.

ORGANIZATIONS.	Aggregate	Killed.	Died of Disease.	Died of Wounds.	Resigned.	Retired.	Discharged.	Executed.	Deserted.	Transferred.	Remainder on the Rolls.	Absent	Captured.	Absent Otherwise.	Total Present.
<b>Gracie's Brigade, (Moody's)</b>															
23d Alabama Battalion.....	292	19	59	10	7	4	40		21	14	118		4	24	90
41st Infantry Regiment.....	1454	73	366	29	18	13	80	1	159	55	660		67	178	415
43d " ".....	1123	60	210	23	21	6	118	1	124	43	517		41	116	360
59th " ".....	1470	100	232	39	12	3	79	1	104	172	728		71	219	438
60th " ".....	1232	76	223	16	17	9	103		81	50	637		10	81	506
<b>Total.....</b>	<b>5571</b>	<b>328</b>	<b>1090</b>	<b>117</b>	<b>75</b>	<b>35</b>	<b>420</b>	<b>3</b>	<b>489</b>	<b>334</b>	<b>2680</b>		<b>193</b>	<b>618</b>	<b>1869</b>
<b>Forney's Brigade,</b>															
8th Alabama Infantry Reg.....	1377	217	156	72	20	21	155		141	81	514		91	137	286
9th " ".....	1138	151	169	41	16	7	147	2	108	61	436		95	229	112
10th " ".....	1429	199	209	69	17	8	210		59	66	592		51	214	327
11th " ".....	1192	200	177	62	15	6	169		27	80	456		60	168	228
13th " ".....	1245	97	274	41	22	20	202		70	64	455		138	124	193
14th " ".....	1317	174	348	71	34	9	126	1	28	33	493		67	139	287
<b>Total.....</b>	<b>7698</b>	<b>1038</b>	<b>1333</b>	<b>356</b>	<b>120</b>	<b>71</b>	<b>1009</b>	<b>3</b>	<b>433</b>	<b>325</b>	<b>2946</b>		<b>502</b>	<b>1011</b>	<b>1433</b>
<b>Laws' Brigade, (Perry's)</b>															
4th Alabama Infantry Reg.....	1422	179	81	51	38	9	389	1	72	119	480		54	142	284
15th " ".....	1633	177	438	80	29	21	183		51	46	608		136	166	306
44th " ".....	1094	105	192	30	20	15	95		69	47	521		66	188	267
47th " ".....	1066	102	166	29	25	12	132		64	76	460		38	150	272
48th " ".....	1045	105	161	41	41	3	91		77	34	492		59	243	190
<b>Total.....</b>	<b>6260</b>	<b>668</b>	<b>1038</b>	<b>234</b>	<b>153</b>	<b>60</b>	<b>890</b>	<b>1</b>	<b>333</b>	<b>322</b>	<b>2561</b>		<b>353</b>	<b>889</b>	<b>1319</b>
<b>Battle's Brigade,</b>															
5th Alabama Infantry Reg.....	1719	176	239	100	23	28	313		37	194	609		171	207	231
6th " ".....	2109	284	243	89	39	16	385		87	290	676		160	221	295
12th " ".....	1417	180	189	54	26	11	212		161	38	546		94	169	283
61st " ".....	889	62	98	9	3	9	33		89	24	562		105	157	300
3d " ".....	1651	172	119	79	21	15	377		38	228	602		113	255	234
<b>Total.....</b>	<b>7785</b>	<b>874</b>	<b>888</b>	<b>331</b>	<b>112</b>	<b>79</b>	<b>1320</b>		<b>412</b>	<b>774</b>	<b>2995</b>		<b>643</b>	<b>1009</b>	<b>1343</b>
<b>TOTAL.....</b>	<b>27314</b>	<b>2908</b>	<b>4349</b>	<b>1038</b>	<b>464</b>	<b>245</b>	<b>3639</b>	<b>7</b>	<b>1667</b>	<b>1815</b>	<b>11182</b>		<b>1691</b>	<b>3527</b>	<b>5964</b>

There is also to be computed in the army of Northern Virginia, the 5th Alabama Infantry Battalion, three companies 1st Confederate Battalion, (infantry) Hurt's Battery of light artillery, Lee's Battery of light artillery, Jeff. Davis' Artillery, and five companies of cavalry, (Jeff. Davis' Legion), besides miscellaneous squads, and individuals—in all, about 3000 men, with the same proportion of casualties as above.

On motion of Mr. Whitfield, the message and accompanying documents were referred to the Special Committee on this subject, under suspension of the rules.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To make Samuel S. Cornwell, (a liner between Conecuh and Monroe counties,) a citizen of Monroe county.

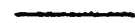
To empower the commissioners' court of Winston county to issue county bonds, and levy a special tax.

To authorize the removal of the administration of the estate of Stephen F. Pool, deceased, from the probate court of Marengo county to the probate court of Sumter county.

To amend an act, entitled "an act to incorporate the North East and South West Alabama Railroad Company, so as to authorize said corporation to sell and transfer its franchise, assets, &c."

For the relief of Margaret L. and Niceny Estes and their sureties.

On motion of Mr. Pierce, the House adjourned till 10 o'clock to-morrow morning.



THURSDAY, December 7th, 1865.

The House met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has originated and passed the following bills and joint resolutions :

To incorporate the town of LaFayette in Chambers county.  
Concerning vagrants, and vagrancy.

Joint Resolutions directory to the State Treasurer.

Joint Resolutions directory to the Comptroller of Public Accounts.



The Senate refuses to concur in the amendment of the House to the Senate Bill,

To protect Freedmen in their rights of person and property in this State.

Messrs. Barnes, Garrett, and Cooper, are appointed a Committee of Conference on the part of the Senate, on the matter of disagreement between the two Houses, and the Senate asks a like committee on the part of the House.

M. TAUL, Secretary.

On motion of Mr. Bethea,, the reading of the journal was suspended to take up the Senate bill—

Concerning vagrants and vagrancy ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

On motion of Mr. Whitfield, the reading of the journal was suspended to take up the Senate bill—

To protect freedmen in their rights of person and property in this State, and the Speaker appointed Messrs. Grant, Whitfield and Jones, as a Committee of Conference, on the part of the House, to confer with a like committee on the part of the Senate to the House amendment.

On motion of Mr. Whitfield, the House adjourned until ten o'clock to-morrow.

---

FRIDAY, December 8, 1865.

The House met pursuant to adjournment.

Prayer by Rev. Dr. McTyeire.

Journal of the 6th and 7th read and approved.

On motion of Mr. Bethea, the call of counties was suspended to enable him to report from the Joint Select Committee to wait on the Governor elect.

The Joint Select Committee to whom was referred the resolution appointing a Joint Committee to wait on His Excellency Robt. M. Patton, Governor of the State of Alabama, and ascertain from him what day will suit his convenience to be inaugurated Governor of the State of Alabama, have performed that duty, and report that His Excellency Governor Patton has appointed Monday next, the 11th of December, 1865, at 12, m., at which time he will be ready to qualify as Governor of this State.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has originated and passed the following bills :

For the relief of the Opelika and Tuscumbia Railroad Company.

To change the time of holding the Circuit Court of the county of Coosa.

To authorize Catherine B. Winston, administratrix of the estate of Isaac Winston, deceased, late of Franklin county, to sell certain property.

M. TAUL, Secretary.

Mr. Goodwin, by leave, offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to make the necessary arrangements for the inauguration of the Governor elect.

Messrs. Goodwin, Whitfield and Cox were appointed said committee on the part of the House.

Mr. Walker, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the justice, expediency and legality of relieving against debts and obligations created for slaves or other property, which have been set free, or which has been destroyed by the late war, and to report by bill or otherwise.

Mr. Whitfield, from Select Committee, reported as follows :

The select committee to which was referred the resolution of insrruction "to inquire whether there are any existing records or memoranda concerning Alabama soldiers—in whose hands they are, and by what authority—whether they can be made available to, or are worthy to be preserved by the State, and what disposition ought to be made of them—and report by bill or otherwise;" and to which also was referred the message of the Provisional Governor, with accompanying documents, on this subject—beg leave to report :

That we have had the same under consideration and find that under the provisions of an act approved December 7, 1863, W. H. Fowler was appointed Superintendent of Army Records for the purposes specified in the act, being to collect for preservation, by the State, historical memoranda of Alabama soldiers ; and that, under an act approved December 8<sup>th</sup>,

1863, "for the relief of families of deceased soldiers," he was appointed an agent to settle and adjust certain claims for the benefit of such families; and that, in the discharge of his duties under these appointments, he collected the records and memoranda, as set forth in his report to the Governor, and made a part of his message, and which is herewith annexed and submitted as a part of this report.

The committee further find that when the duties of the said W. H. Fowler ceased by operation of law, there was due to him, and unpaid by the State, for labor and expenses authorized to be incurred, the sum of (\$13,838) thirteen thousand eight hundred and thirty-eight dollars, as appears from the books and files of the Auditor's office, and as is shown by the papers accompanying the Governor's message, and that he is forever debarred and precluded from receiving the same by force of the existing laws; leaving to him the records named as his own property, because the State has failed to take them and to compensate him therefor; and that, thereby, he is in rightful possession of them as his property.

Upon examination, the committee coincide with the message of His Excellency, the Provisional Governor, that "the records described herein are of great historical value to the State, as illustrating the valor and sufferings of her soldiers, and ought to be possessed and preserved by her;" and we also agree in his recommendation that the General Assembly shall make provision to obtain the same; and, for this purpose, the committee begs leave to report the following bill and to recommend its passage, viz: a bill

To obtain and preserve records of Alabama soldiers;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Mabry, the call of the counties was suspended, to enable the House,

1st. To receive reports from committees;

2d. To take up Senate messages and bills;

3d. Bills on their third reading;

4th. Bills on their second reading.

Mr. McCain, by leave, introduced a bill,

To amend an act "to provide for the reorganization of the State Penitentiary," approved December 5th, 1862;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Richardson, by leave, introduced a bill

To authorize the Commissioners' Court of Limestone county

to issue county treasury notes for the purpose of building a court house and important bridges in said county;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Tompkins, the House suspended the reporting of committees, to enable him to take up the Senate bill—

To incorporate the Union Express Company;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Message from the Senate, by Mr. Taul:

*Mr. Speaker:*

The Senate has adopted a resolution that the House be respectfully requested to return to the Senate the following Senate joint resolutions:

Joint resolution directory to the State Treasurer.

Joint resolutions directory to the Comptroller of Public Accounts.

The Senate agrees to the Report of the Committee of Conference of the two Houses on the matter of disagreement upon the Senate bill—

To protect Freedmen in their rights of person and property in this State.

M. TAUL, Secretary.

Mr. Freeman moved to suspend the business before the House, to take up the Senate messages.

Lost.

Mr. Grant, from the Committee of Conference, reported as follows:

The Committee of Conference of the two Houses on the Senate bill entitled an "an act to protect freedmen in their rights of person and property in this State," have considered of the differences between the two Houses, and report the following substitute for section two in said act, and the amendment thereto, and recommend the concurrence of both Houses therein:

SEC. 2. *Be it further enacted*, That said freedmen, free negroes and mulattoes, shall have all the remedies for the recovery of property and redress of injuries in their persons, property and reputation, which white persons may have by law, and that they shall be competent to testify only in open court,

and only in cases in which freedmen, free negroes and mulattoes are parties, either plaintiff or defendant, and in cases, civil and criminal, for injuries in the persons, property or reputation of freedmen, free negroes and mulattoes; and in all cases, civil or criminal, in which under this act a freedman, free negro or mulatto is a witness against a white person, or a white person against a freedman, free negro or mulatto, the parties shall be competent witnesses, and neither interest in the question or suit, nor marriage, shall disqualify any witness from testifying in open court.

The yeas and nays being called for, on the motion to concur in the report of the committee, the House refused to concur—yeas 38; nays 48.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brooks, Clark of Mobile, Cotten, Cox, Davis of Barbour, Dobson, Doster, Edwards, Ellis, Goodwin, Grant, Hand, Hardie, Hare, Henry, Jones, Lawrence, Leeper, Mabry, Malone, McBee, McCann, McLester, Oliver, Owens, Plowman, Smith of Choctaw, Thorn, Vansandt, Warren, Whitfield, Williams of Randolph, and White—38.

NAYS—Messrs. Bankhead, Bethea, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Crenshaw, Culver, Frazer, Gafford, Gibson, Goldthwaite, Hawthorne, Judkins, Lanier, Ledbetter, Lindsey, Malloy, Manasco, McAlexander, McCain, McCoy of Russell, McCoy of Tallapoosa, McMullan, Morse, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Tompkins, Walker, Waller, Williams of Jackson, Worthy, and Yonge—48.

And the House directed that the Senate be forthwith notified of its refusal to concur.

#### REPORT OF STANDING COMMITTEES.

Mr. Whitfield reported that the Judiciary committee had considered the bill, to define the duties of Administrators with the will annexed, and deemed it inexpedient to recommend the passage of the bill;

Report concurred in.

Mr. Whitfield from the same committee, reported adversely to the bill for the protection of Executors, Administrators, Guardians, Trustees, and Attorneys.

Report concurred in.

Mr. Whitfield, from the same committee, reported amendments to the bill—

To aid in preserving peace in the State of Alabama.

Amend 2d section, by adding at the end “and any such person, failing to do so, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars, and be imprisoned not less than ten days.”

Also, amend 5th section by adding at the end—

“One or both, at the discretion of the jury trying the cause.”

Report concurred in, and amendments adopted.

Mr. Freeman moved to amend by striking out “person,” and inserting “citizen of this, or a neighboring State,” in last clause of last section.

Lost.

Mr. Gibson moved to amend the 2d and 3d sections by adding after the word “beat,” the words “or county.”

Adopted.

Mr. Callaway moved to amend by striking out “less” and inserting “more,” in the 8th line of 5th section.

Adopted.

The bill, as amended, was then read the third time, and passed.

Mr. Whitfield, from same committee, reported adversely to the bills—

To repeal section 728 of the Code of Alabama ;

To regulate the remedy for the enforcement of contracts made for the purchase of slaves.

Report concurred in.

Mr. Whitfield, from same committee, reported favorably to bill—

To make Mary C. Campbell a free dealer.

Mr. Gibson moved to lay the bill on the table.

Lost.

Report of committee concurred in.

The bill was read the third time, and passed.

Yeas, 52 ; nays, 35, on the passage of the bill.

YEAS—Messrs. Speaker, Borden, Bourland, Brandon, Brooks, Caffey, Chapman, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Ellis, Gaffard, Goldthwaite, Grant, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Lawrence, Ledbetter, Mabry, Manasco, McCoy of Russell, Meadors, Moore of Perry, Odum, Owens, Pierce, Pipkin, Plowman, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Tompkins, Van-

sandt, Walker, Waller, Warren, Whitfield, and Wilhite—52.

NAYS—Messrs. Ash, Ashford, Bush, Callaway, Clark of Lawrence, Cobb, Edwards, Fraser, Gibson, Goodwin, Hand, Judkins, Leeper, Lindsey, Malone, Malloy, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, McMillan, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Robinson of Baldwin, Steadham, Thorn, Williams of Jackson, Williams of Randolph, and Worthy—35.

On motion of Mr. Manasco, the House instructed the Clerk to request the Senate to return to the House the Senate bill to protect Freedmen in their rights of person and property.

Mr. Whitfield, from Judiciary Committee, reported adversely to bills—

For the relief of John T. Walton, as administrator of the estate of John E. Boddie, deceased ;

To repeal an act to regulate the distillation of grain in this State, and for other purposes, approved December 13, 1864.

Report of committee concurred in.

Message from Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate concurred in the House amendment to the Senate bill.—

To provide more effectually for the distribution of food among the destitute families of this State.

The Senate herewith returns to the House the bill—

To protect freedmen in their rights of person and property in this State.

M. TAUL, Secretary.

The hour of 12 o'clock having arrived, and the special order being the joint resolutions relative to adjournment with the proposed amendments,

Mr. Gibson moved to suspend the consideration of them till Tuesday next, 12 o'clock m.

Mr. Clark, of Lawrence, offered as a substitute for the joint resolution, the following :

*Resolved*, By the House of Representatives, (the Senate concurring,) That the two Houses of the Legislature of Alabama adjourn on the 19th of December, 1865, *sine die*.

Lost.

The question being on Mr. Gibson's motion to postpone, it was lost.

Mr. Manasco's amendment was decided out of order, it fixing

the time beyond the probable duration of the session as established by law.

Mr. Bethea moved to postpone the further consideration until to-morrow morning ten o'clock.

Mr. Manasco moved to amend by inserting Wednesday next.  
Lost.

The motion of Mr. Bethea was then withdrawn.

Mr. Mabry moved to lay the resolution on the table.

Adopted.

On motion of Mr. Potter, the vote by which the House refused to concur in the report of the Committee of Conference, on the disagreement of the Senate to the House amendment to the Senate bill

To protect freedmen in their rights of person and property in this State,

Was reconsidered.

Mr. Manasco moved to postpone the bill till Wednesday next, and make it the special order for 12 o'clock m.

Lost.

The question being on the concurrence of the House in the report of the Committee of Conference, the House refused to concur.

Yeas, 37 ; nays, 47.

YEAS—Messrs. Speaker, Ash, Ashford, Borden, Bourland, Brooks, Clark of Mobile, Connelly, Cotten, Cox, Davis of Barbour, Dobson, Doster, Edwards, Ellis, Goodwin, Grant, Hand, Hardie, Hare, Jones, Leeper, Lindsey, McBee, McCain, McCann, Odum, Oliver, Owens, Potter, Savage, Thorn, Vansandt, Walker, Whitfield, Williams of Randolph, and Wilhite—37.

NAYS—Messrs. Bankhead, Bethea, Brandon, Bush, Caffey, Callaway, Chapman, Cobb, Crenshaw, Culver, Frazer, Freeman, Gafford, Goldthwaite, Hawthorne, Henry, Lanier, Lawrence, Mabry, Malone, Malloy, Manasco, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Moore of Coffee, Morse, Palmer, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Walker, Warren, Williams of Jackson, Worthy, and Yonge—47.

Mr. Grant offered the following resolution ;

Which was adopted :

*Resolved*, That the Senate be informed that the House refuses to concur in the report of the committee of conference on the bill to protect freedmen in their rights of person and property in this State, and have appointed another committee



of conference, and ask the Senate to appoint a like committee on the part of the Senate.

Messrs. Waller, Whitfield, and Cox, were appointed said committee on the part of the House.

Mr. Whitfield from the Judiciary committee, reported the following amendment to the bill:

To authorize the Governor to exercise the pardoning powers before conviction; strike out word "occurring," and insert in lieu thereof, the following words; "in which indictments have been or may hereafter be found for offenses committed"; and as amended, recommend its passage.

Report concurred in; amendment adopted, and the bill was read the third time and passed.

Mr. Whitfield, from the same committee, reported adversely to the bill to authorize Charles W. Price, administrator of the estate of Daniel G. Kolb, late of Morgan county, deceased, to sell certain lands therein named.

Report concurred in.

On motion of Mr. Robinson of Chambers, the House adjourned to  $\frac{1}{2}$  past 3 o'clock, p. m.

FRIDAY, December 8th,  $\frac{1}{2}$  past 3 p. m.

House met pursuant to adjournment.

Mr. Whitfield, from the committee on the Judiciary, reported the following as a substitute for the bill "to authorize the Governor to furnish copies of the tax books of Limestone county to the Probate Judge thereof," and recommends its passage;

To authorize the Governor to furnish copies of the last returns of the assessment of taxes to the Probate Judges of the several counties in which the county records have been destroyed;

Substitute was adopted, read three times and passed, under a suspension of the constitutional rule.

Mr. Whitfield, from same committee, reported favorably to the bills,

To compensate Commissioners appointed to administer and register oaths to voters;

Declaring Hulda Clayton of DeKalb county, a free dealer;

For the relief of George W. Tippens,

Which bills were read the third time, under a suspension of the constitutional rule, and passed.

Mr. Whitfield, from same committee, reported the following amendment to the bill:

To authorize the issuance of execution on certain judgments, without a renewal of such judgments.

Amend by adding the following proviso :

“ *Provided*, However, that the existing lien of any judgment or execution shall not be in any manner affected by this act.”

Amendment adopted.

Bill read third time and passed.

Mr. Whitfield, from the same committee, reported the following amendment to the bill—

To prevent persons from purchasing or receiving stolen property.

Amend 1st section, by striking out the words “ ignorantly or otherwise,” where they occur in the 4th line.

Amendment adopted.

Read third time and passed.

Mr. Whitfield, from the same committee, reported an amendment to the bill—

The more effectually to prevent the offences of grand larceny, arson and burglary.

Amend 1st section, by striking out the words “ for life,” and inserting in lieu thereof, the words “ for any period not less than five years.”

Amendment adopted.

Bill read third time, and passed.

Mr. Whitfield, from same committee, reported a substitute for the bill—

For the relief of Francis E. Hooks, administratrix of T. J. Hooks, deceased.

Substitute adopted, read three times, and passed under a suspension of the constitutional rule.

Mr. Whitfield, from same committee, reported adversely to the passage of the bill—

To incorporate the town of Richmond, in Dallas county.

The House refused to concur in the report of the Committee.

The bill was read the third time, and passed.

Mr. Whitfield, from same committee, reported adversely to the bills—

To provide for the holding of the Chancery Courts for Montgomery county ;

To prohibit the intermarriage of white persons with negroes or persons of mixed blood ;

For the relief of indigent widows in this State ;

To repeal so much of section 1st of the act passed February 8th, 1861, entitled an act to regulate judicial proceedings, as

requires bills in chancery filed in the 28th District, Northern Chancery Division, making the return term separate from the trial term ;

For the relief of sureties in certain cases ;

To amend the revenue law of this State, which provides that all citizens of the State shall pay taxes on all they posses, except such property as therein is exempted ;

Petition of Salina Davis, and others ;

To abolish the State Penitentiary, in the State of Alabama ;

For the relief of the Probate Judge and justices of the peace, of Macon county ;

To compensate judges of the Circuit Court for extra services ;

For the relief of Elizabeth Darcy, of Russell county.

Report of committee concurred in.

Mr. Whitfield, from same committee, reported favorably to Senate bill—

To amend section 3147, of the Code, so as to prevent embezzlement and fraudulent conversions by bailees ;

Which was read the first and second times, under a suspension of the constitutional rule, and passed.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate agrees to the appointment of a Committee of Conference upon the bill—

To protect freedmen in their rights of person and property in this State.

The committee to be composed of Messrs. Garrett, Barnes and Cooper.

The Senate has originated and passed a bill—

To explain section 6 and 20 of the charter of the city of Mobile.

M. TAUL, Secretary.

Mr. Doster, from the Committee on Education, to whom was referred the resolution inquiring into the expediency of abolishing the offices of State and County Superintendents of Education, reported adversely to the abolishing of said offices.

Report concurred in.

Mr. Doster, from the Committee on Education, to which was referred the address of Dr. Garland, reported the following bill, and recommended its passage :

To loan seventy thousand dollars to the University of Alabama ;

Read the first and second time, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

On motion of Mr. Tompkins, the business before the House was suspended, to take up the Senate bill,

To explain sections six and twenty of the charter of the city of Mobile ;

Which was read the first, second and third time under a suspension of the constitutional rule, and passed.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To prevent the court of county commissioners for Cherokee county, from levying a greater tax than fifty per cent. upon the State tax, for county purposes ;

To re-enact the laws incorporating the town of Carrollton, in Pickens county ;

To amend the charter of the town of Gainesville, and confirm an election ;

To supply books to the probate judge of Walker county ;

For the relief of Charles H. Phillips, of Chambers county ;

To incorporate the Selma Fire and Marine Insurance Company ;

For the relief of Augustus C. Finlay, of the county of Chambers ;

To provide for the location of the court house in Dallas county.

Mr. Gibson, from the Committee on Local Legislation, reported favorably to bills,

For the relief of Jesse T. Austin, administrator on the estate of John H. Faires, deceased ;

To repeal an act to reduce the fees of the county surveyor of DeKalb county ;

Which were read a third time, and passed.

Mr. Gibson, from same committee, reported the following amendment to the bill,

Authorising the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county, to Russell county in this State :

Amend by adding at the end of the bill "And provided further, that the costs on said estate which have accrued in the said probate court of Montgomery county shall be first paid before said transfer is effected."

Amendment adopted, bill read third time and passed.

Mr. Gibson, from same committee, to which was referred the petition of James Cole, of DeKalb county, reported the following bill—

For the relief of James Cole, of DeKalb county, granting him the privilege of selling goods free from taxation ;

Which bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Morse, from same committee, reported adversely to bill

For the relief of the court of county commissioners of Macon county.

Report and bill laid on the table.

Mr. Morse, from same committee, reported adversely to the bill

For the protection of stock raisers in Dale county.

Report concurred in.

Mr. Freeman, by leave, presented a report from the board of trustees of the State University;

Which was referred to the Committee on Education.

On motion of Mr. Smith, of Choctaw, the House adjourned till 9 o'clock to-morrow morning.

---

SATURDAY, December 9th, 1865.

House met pursuant to adjournment.

Prayer by Rev. Mr. Vansandt.

Journal read and approved.

Mr. Gibson, by leave, offered the following resolution :

*Resolved*, By the House of Representatives, (the Senate concurring,) that in the opinion of this General Assembly the public interests of the State of Alabama requires that the present General Assembly shall remain in session longer than thirty days.

Mr. Vansandt moved to amend by adding the words "and that it will adjourn on the — day of ———, and will convene on the — day of ———,"

Adopted. Yeas 78; nays 11.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Doster, Dobson, Edwards, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare; Hawthorne, Henry, Jones, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan,

Meadors, Moore of Coffee, Moore of Ferry, Morse, Odum, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Vansandt, Walker, Warren, Williams of Jackson, Williams of Randolph, Wilhite, Worthy and Yonge—78.

NAYS—Messrs. Ashford, Bourland, Clark of Lawrence, Freeman, Judkins, Mabry, McAlexander, Oliver, Padgett, Sheffield, and Smith of Jackson—11.

Resolution, as amended, adopted by a vote of two-thirds of the whole house as required. Ayes 78, nays 11.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Edwards, Ellis, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCana, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Vansandt, Walker, Warren, Williams of Jackson, Williams of Randolph, Wilhite, Worthy, and Yonge—78.

NAYS—Messrs. Ashford, Bourland, Clark of Lawrence, Freeman, Judkins, Mabry, McAlexander, Oliver, Padgett, Sheffield, and Smith of Jackson—11.

Mr. Vansandt moved to fill the first blank by inserting the 12th of December, 1865. Lost.

Mr. Manasco moved to insert the "15th of December." Adopted.

Mr. Vansandt moved to fill the second blank by inserting "22d of January, 1866". Lost.

Mr. Callaway moved to insert "29th January next." Lost.

Mr. Padgett moved to insert the "15th January, 1866." Adopted.

The Clerk was instructed to notify the Senate forthwith of the adoption of the resolution as amended.

Message from the Senate by Mr. Taul :

*Mr. President :*

The Senate has passed the following House bill—

To authorize the Commissioners' Court of Morgan county,

to issue Treasury Notes for the purpose of defraying the county expenses, for the year 1866, in erecting a county jail, and for other purposes.

To authorize the Secretary of State to issue a patent to Green W. Haley of Marion county, for certain lands therein named.

To incorporate the Alabama Oil and Mining company.

To authorize the Commissioners' Court of Lauderdale county, to issue Treasury Notes to pay for the building of important bridges, repairing of Court House and for other purposes.

M. TAUL, Secretary.

Mr. Walker offered the following resolution, which was lost.

*Resolved*, (The Senate concurring,) That the two Houses meet in the Hall of the House, on Saturday the 9th instant, at 12 o'clock, m., for the purpose of electing a State Superintendent of Education.

Mr. Waller from the second committee of conference on the amendment of the House to Senate bill, to protect freedmen in their rights of person and property,

Reported the following as a substitute for the second section of said bill, and the House amendment thereto, to come in at the end of the first section of said bill, so as to include the whole of said bill in one section :

“And they shall be competent to testify only in open court, and only in cases in which freedmen, free negroes and mulattoes are parties, either plaintiff or defendant, and in civil and criminal cases for injuries in the persons and property of freedmen, free negroes and mulattoes, and in all cases civil and criminal in which a freedmen, free negro or mulatto is a witness against a white person, or a white person against a freedmen, free negro or mulatto, the parties shall be competent witnesses, and neither interest in the question or suit, or marriage, shall disqualify any witness from testifying in open court.”

The report of the committee was concurred in. Ayes 56; nays 27.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brooks, Caffey, Callaway, Chapman, Clark of Mobile, Connelly, Cotten, Cox, Davis of Barbour, Dobson, Doster, Ellis, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Lawrence, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCann, McLester, Meadors, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Potter, Smith of Choctaw, Sturdivant, Thorn, Vansandt, Waller, Warren,

Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Yonge—56.

NAYS—Messrs. Bankhead, Bethea, Brandon, Bush, Crenshaw, Echols, Frazer, Gafford, Goldthwaite, Judkins, Ledbetter, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McMillan, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Thrasher, and Worthy—28.

The Clerk was instructed to notify the Senate forthwith of the action of the House.

Mr. Whitfield moved a suspension of the business before the House, to take up the Senate message asking for a return to the Senate, the

Joint resolutions directory to the State Treasurer, and

Joint resolutions directory to the Comptroller of Public Accounts.

The motion was adopted, and the clerk instructed to return them forthwith to the Senate.

Mr. Morse, from the Committee on Local Legislation, reported the following bill, as a substitute for sundry bills referred to said committee :

To invest the Probate Court with additional powers over the estates of deceased persons ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Ellis, from the same committee, reported adversely to the passage of the bill

To authorize the Sheriff of Baldwin county, Alabama, to draw warrants on the fine and forfeiture fund of said county in payment of guards for prisoners and witnesses for prosecution in magistrate's courts.

Report concurred in.

Mr. Gibson moved to take from the table the adverse report of the Committee on Local Legislation, to the bill

For the relief of the Court of County Commissioners of Macon county.

The motion was carried.

Mr. Echols moved to recommit the bill to the Committee on Local Legislation.

Adopted.

Mr. Smith, of Jackson, from the Committee on County Boundaries, reported favorably to bill

To create a new county of portions of Coosa, Montgomery, Tallapoosa, and Autauga counties.

On motion of Mr. Bethea,



The bill and accompanying papers were referred to the Committee on the Judiciary.

On motion of Mr. Smith, of Choctaw,

The rules were suspended, to enable him to report a substitute for the Senate bill,

Concerning vagrants and vagrancy,

Pending which, the hour of 12 having arrived,

On motion of Mr. Bethea, the orders of the day were suspended to continue the consideration of the bill.

On motion of Mr. Cooper, (Mr. Gibson in the chair,) the bill was postponed until Tuesday next, and made the special order for 12 o'clock m., and 133 copies ordered to be printed of the bill and substitute.

Leaves of absence were granted to Messrs. Doster, Brooks, Reese, Jones, and Davis of Bibb, till Wednesday next.

On motion of Mr. Doster, the orders were further suspended to enable the Committee on Corporations to report.

Mr. Tompkins, from said committee, reported favorably to bill

To amend an act incorporating the Prattville Male and Female Academy in the county of Autauga;

Which bill was read a third time and passed.

On motion of Mr. Pierce, the rules were further suspended to take up the Senate bill

To provide for the printing and distribution of the decisions of the Supreme Court;

Which was read the first, second and third times, and passed, under a suspension of the constitutional rule, and ordered forthwith to the Senate.

Mr. Manasco moved to suspend the rules to enable him to introduce a resolution. Lost.

On motion of Mr. Thrasher, the House adjourned till nine o'clock, Monday morning.

---

MONDAY, December 11, 1865.

The House met pursuant to adjournment.

The Journal was read and approved.

Mr. Mabry moved a suspension of the rules to enable him to introduce bills. Lost.

Mr. Leeper, from committee on Internal Improvements, reported an amendment to the bill

To amend the charter of the Selma and Meridian Railroad Company.

Amend as follows at the end of third section :

“Provided, That executors, administrators or guardians, first obtain authority from the probate court so to do”;

Which amendment was adopted, the bill read the third time, and passed.

Mr. Thrasher, from Committee on Public Roads and Highways, reported favorably to bill

To discontinue a portion of a certain public road in the county of Marengo.

On motion of Mr. Morse, the report and bill were laid on the table.

Mr. Thrasher, from same committee, reported favorably to the bill,

To repeal an act, entitled “an act in relation to the appointment of apportioners and overseers of public roads,” &c. ;

Which was read the third time, and passed.

Mr. Thrasher, from same committee, reported adversely to the bill

In relation to working on the public roads ;

Report concurred in.

Mr. Morse, from the Committee on Federal Relations, reported favorably to the memorial and joint resolutions to the President of the United States, in relation to the withdrawal of the Federal troops from the State of Alabama.

Which was read the third time, and adopted.

Mr. Goodwin, from Select Committee of the two Houses, appointed to make arrangements for the inauguration of the Governor elect, reported the following resolution, and recommended its adoption ;

Which was done.

*Resolved*, That, (with the concurrence of the Senate,) the ceremonies of inaugurating the Governor elect, be postponed till Wednesday next, the 13th instant, and that it take place at 12 o'clock m. on that day.

Mr. Sheffield, from the Committee on Military Affairs, reported favorably to the bill,

To provide an effective police force in the State of Alabama.

Mr. Cooper, (Mr. Tompkins in the chair,) moved to amend by striking out “judge of probate” wherever it occurs in the bill, and inserting “sheriff.”

Lost.

Mr. Vansandt moved to amend by striking out in 6th section “at the court house of the county,” and inserting “in their respective beats.”

Adopted.

Mr. Lanier moved to amend 1st section, 3d line, by inserting "all able bodied men" in place of "every white male citizen."

Mr. Speaker, (Mr. Goodwin in the chair,) moved to make the bill the special order for 12 o'clock to-morrow.

Carried.

Mr. Echols moved a suspension of the rules, to enable him to introduce a bill,

For the relief of the administratrix of the estate of Benjamin Gibson.

The motion was adopted.

The bill was read the first and second times, and was referred to a select committee of three, consisting of Messrs. Gibson, Echols and Morse.

Mr. Walker, from the select committee of nine, reported favorably to the bill--

To aid agriculture in the State of Alabama.

Mr. Bethea moved to recommit the bill to the Committee on Ways and Means.

Mr. Mabry, from the Committee on Freedmen, reported a substitute for the bill--

To protect proprietors and tenants from intrusion of dangerous and troublesome persons.

The substitute was adopted, and read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Grant moved to amend, by striking out "freedmen" wherever it occurs, and inserting "persons."

On motion of Mr. Goodwin, the amendment was laid on the table.

Mr. Potter moved to amend, by inserting "adult" before the word "member" in 5th line of section 1.

Mr. Borden moved to insert "or agent" after "member," in the same line.

Mr. McAlexander moved to amend, by striking out "person" wherever it occurred, and inserting "freedmen."

On motion of Mr. Bethea, the bill was recommitted to the Committee on Freedmen.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To regulate contracts with freedmen, and to enforce the same ;

To incorporate the Alabama Immigration, White Labor and Real Estate Agency Company ;

To amend section 1902 of the Code ;

To amend an act to incorporate the Dayton Female Academy, in the town of Dayton, Marengo county ;

For the relief of Samuel W. Hutchinson ;

To amend an act to incorporate the Coosa Navigation and Coal Mining Company, approved February 24, 1860 ;

For the relief of Moses C. Newman, of DeKalb county, requiring the Governor to cause a patent to be issued ;

To authorize the taking of depositions in criminal cases ;

To authorize the Court of County Commissioners of Tuscaloosa county, to settle and adjust claims against said county, and issue bonds to pay the same ;

To incorporate the Moore's Bridge Turnpike Company, in the county of Tuscaloosa.

MICAH TAUL, Secretary.

Mr. Mabry, from the Committee on Banks and Banking, reported favorably to the bill—

To amend an act to incorporate the City Savings Association of Mobile ;

Which was read the third time, and passed.

Mr. Padgett offered the following resolution, which was adopted :

*Resolved*, That the Committee on Destitution and Supply be authorized to employ a clerk at the same rate the clerks of the Freedmen and Judiciary Committees receive.

Mr. Tompkins, from the Committee on Corporations, reported an amendment as a proviso to the bill

To incorporate the city of Demopolis, as follows :

“Provided, the qualified voters within the corporate limits of the proposed city of Demopolis may, after five days' public notice, hold an election and vote upon the proposition of ratifying the city charter. If a majority of those qualified to vote for Representatives to the General Assembly shall ratify the same, then this act shall go into effect, otherwise it shall be null and void.”

The amendment was adopted, and the bill was ordered to be engrossed.

Mr. Morse offered the following resolution, by leave, which was adopted, and Messrs. Morse, Lawrence and Clark, appointed said committee :

*Resolved*, That the Speaker appoint a select committee of three to wait on Major General Swayne, and to ascertain from him what amount of provisions and supplies he is authorized by the United States government to furnish to the destitute and indigent of this State ; to what class of persons those sup-

plies will be furnished, and in what quantity, and through what agencies, and that they report to this House as early as practicable.

Mr. Tompkins, from Committee on Corporations, reported an amendment setting forth the section in full required to be amended in the bill

To amend an act to incorporate the town of Livingston, the county site of Sumter county, approved January 10, 1835.

Amendment adopted, bill read third time and passed.

Mr. Tompkins, from same committee, reported favorably to bill

To amend an act amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company ;

Which was read the third time and passed.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has amended the resolution of the House prolonging the session of the General Assembly for a longer period than thirty days, by striking out "Friday, the 15th day of December, instant," and inserting "Thursday, the 14th instant, at 12 o'clock m.," and as thus amended, has adopted the same by a majority of two-thirds, as required by the Constitution, in order to prolong the session of the General Assembly for a period beyond thirty days ; and ask the concurrence of the House in the amendment.

M. TAUL, Secretary.

Mr. Tompkins, from the same committee, reported back to the House the bill,

To authorize a registry of the names, locations and occupations of freedmen in towns and cities ;

And asked that it be referred to the Committee on Freedmen. Concurred in.

Mr. Tompkins, from the same committee, reported favorably to the bill,

To incorporate the Union Express Company.

Mr. Speaker moved to amend by adding three additional sections to the bill :

SEC. —. *And be it further enacted*, That said Express Company may charge and receive for articles by them transported and delivered, such compensation as is usually charged and received upon Railroads, Steamboats, or other water-crafts, or on other public transportation, which may be used by said compa-

ny, as shown by their published schedule of charges on articles of like kind, not transported by express, with an addition of — per cent. thereon and no more.

SEC. —. *And be it further enacted*, That the said Express Company shall be liable for the safe-keeping and delivery of articles received by its officers, or agents, to the same extent common carriers, for hire, are, by law, held liable and no further ; and it shall not be lawful for said company, or its agents, to limit or restrict that liability. The said company must not charge for insurance of any article committed to their care, unless there is a special contract at the request of the party delivering, his, her or their agent or attorney, unless it is upon valuables, such as money, jewels or jewelry, in small parcels of easy concealment ; in such cases they may refuse to take risks without special contract for greater compensation, and when such contract is made, the act of God, or of the public enemy, shall alone excuse the safe delivery.

And said Express Company must transport all articles regularly and in the order in which they may be received as entered upon their register, so as no one or more packages shall be made to give place out of its regular order to others of subsequent registration, without consent of parties ; any violation of any of the provisions, requirements or restrictions of this and the preceding section, shall subject the said Express Company to pay to the party aggrieved, such damages as he may sustain, but in no case shall the damage be less than fifty dollars, and cost, to be recovered in any court of competent jurisdiction in any county along the line of the route of transportation used by said company in this State, and the service of any process upon any agent of said company, shall be as effectual as if served upon the President, or any one or more of the directory of said company.

Section —. *And be it further enacted*, That it shall not be lawful for any railroad, steamboat, or other company which transports as common carriers, and which may become stockholders in said Express Company, to refuse to carry any article usually transported by said company, because the same is not to be forwarded by express. But the said company is bound to receive and transport the same for the same hire as is usually charged upon articles of like kind as specified in their published rates of freight, subject to all the liabilities of common carriers, and shall have no right to restrict that liability ; and any violation of this section subjects the company violating, to all the penalties prescribed in the preceding section, and the party aggrieved shall have all the remedies to the same extent, and in

like manner, as in said last preceding section, are provided.

Mr. Worthy moved to amend the amendment as follows:

*Provided*, That in no case shall the rates and charges for transportation be more than fifty per cent. above the usual rates charged by the rail-road or steamboats over which the same shall be carried.

On motion of Mr. Echols, the bill and proposed amendments were postponed till Thursday next, and made the special order for 12 o'clock, m.

Mr. Savage moved to suspend the rules to allow him to introduce a resolution. Lost.

Mr. Tompkins from the same committee, reported adversely to the bill,

To repeal the fourth section of an act entitled an act to incorporate the Tallasse Manufacturing Company, which prohibits the sale of ardent, spirituous or intoxicating liquors within four miles of the Factories of said corporation, approved the 29th day of January, 1852.

Concurred in.

Mr. Tompkins from same committee, reported a substitute for said bill,

To incorporate the Southern Railroad company.

The substitute was adopted; read the first, second and third times under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from the same committee, reported a substitute for the bill,

To incorporate the town of Mt. Andrew, in Barbour county, in the State of Alabama.

Substitute adopted, read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from same committee, reported favorably to the bill

To incorporate the Mobile Trade Company;

Which was read the third time and passed.

Mr. Tompkins, from same committee, reported favorably to the bill

To incorporate the American Industrial Agency.

Mr. Bethea moved to recommit the bill to the Committee on the Judiciary.

On motion of Mr. Echols the bill was made the special order for 11 o'clock Thursday next.

Mr. Tompkins, from same committee, reported the following amendment to the bill

For the relief of the Chartered Companies of Mobile Insurance;

“*Provided*, That in all cases said companies be required to settle their liabilities on policies of insurance or otherwise before they avail themselves of the provisions of this act.”

Amendment adopted, bill read third time and passed.

Mr. Tompkins, from same committee, reported favorably to the bill

To incorporate the Alabama Mining, Manufacturing and Improvement Company.

On motion of Mr. Bethea the bill was recommitted to the Judiciary Committee.

Mr. Gibson, from select committee, reported a substitute for the bill

For the relief of the administration of the estate of Benjamin Gibson.

Mr. Thrasher moved to lay the report on the table. Lost.

The substitute was adopted, read the 1st, 2d and 3d times, under a suspension of the constitutional rule, passed, and ordered forthwith to the Senate.

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably to the bill—

For the relief of James W. Legion, late Jailor of Franklin county ;

Which was read the third time, and passed, and ordered forthwith to the Senate.

Mr. Bethea offered the following resolution, which was adopted :

*Resolved*, That this House has just been informed that General Wade Hampton is in the city, and that a committee of three members be appointed to invite him to a seat upon the floor of the House of Representatives.

Messrs. Bethea, Gibson and Worthy having been appointed said committee, conducted General Hampton to the Speaker's desk, when the Speaker gave him a formal introduction to the House of Representatives.

On motion of Mr. Bethea, the rules were suspended to take up the Senate bill—

To regulate contracts with freedmen, and enforce the same ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To incorporate the Alabama Oil and Mining Company.

Mr. Clark, of Lawrence, moved to adjourn till 3½ o'clock this evening. Lost.



On motion of Mr. Goodwin, the House adjourned till nine o'clock to-morrow morning.

---

TUESDAY, December, 12, 1865.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Potter.

Journal read and approved.

On motion of Mr. Bethea, the rules were suspended to enable the Committee on Freedmen to report.

Mr. Bethea, from said committee, reported favorably to the Senate bill—

To regulate contracts with Freedmen, and to enforce the same.

Mr. Morse moved to amend by adding the following proviso at the end of the 6th section.

Provided, That in all trials under the provisions of this bill, the defendants shall have the right to a trial by a fair and impartial jury.

Lost.

Mr. Padgett moved to amend the 2d section as follows :

Strike out the words, "read and write," so as to read, "two white citizens."

Lost.

The bill was then read the third time, and passed, and ordered forthwith to the Senate.

On motion of Mr. Hare,

The rules were suspended, to take up the following Senate bills :

For the relief of Wm. R. Horn of Sumter county ;

To authorize the Probate Judge of Sumter county to grant an order to the guardian of Parham Yarborough, a minor, to sell the lands belonging to said minor either at public or private sale ;

To incorporate the town of Lafayette, in the county of Chambers ;

For the regulation of the police of the town of Greenville ;

Which bills were severally read the first, second and third times, and passed, under a suspension of the constitutional rule.

On motion of Mr. Bethea,

The rules were further suspended to take up certain Senate messages, and to allow certain members to introduce bills.

The House refused to concur in the Senate amendment

to the House resolution, which amendment altered the time fixed for the adjournment of the General Assembly, from Friday, the 14th of December instant.

Mr. Morse gave notice that he would move to reconsider the action of the House on the Senate bill,

To authorize the Probate Judge of Sunter county to grant an order to the guardian of Parham Yarbrough, a minor, to sell the lands belonging to said minor either at public or private sale.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills :

To incorporate the Pleasant Ridge Male Academy, in the county of Greene.

To authorize the Governor to exercise the pardoning power before conviction.

To authorize the Commissioners' Court of Limestone county to issue County Treasury notes for the purpose of building a Court House and important bridges in said county.

To make Mary C. Campbell a free dealer ;

To repeal an act to reduce the fees of the County Surveyor of DeKalb county ;

Declaring Hulda Clayton, of DeKalb county, a free dealer ;

For the relief of George W. Tippens ;

To authorize the Governor to furnish copies of the last returns of the assessment of taxes to the probate judges of the several counties in which the county records have been destroyed ;

To compensate commissioners appointed to administer and register oaths to voters ;

Authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county to Russell county, in this State.

The Senate has adopted the House joint memorial and resolutions to the President of the United States.

Also, concurs in the following resolution :

*Resolved*, (with the concurrence of the Senate,) That the ceremonies of inauguration of the Governor elect to postpone to Wednesday next, the 13th instant, at 12 o'clock m., and that it take place at 12 o'clock m., on that day.

The Senate has also originated and passed the following bills :

To authorize Notaries Public to administer affidavits without seal ;

To give the probate court of Marengo county jurisdiction of the estate of L. R. Terrell, deceased, late of Perry county ;

To incorporate the Tennessee Valley Oil and Mining Company.

M. TAUL, Secretary.

Senate bills—

To amend an act to incorporate the Coosa Navigation and Coal Mining Company, approved February 24th, 1860 ;

To legalize the marriage of John P. Logan and Martha A. Smith, residents of Macon county ;

Were read severally the first, second and third times, and passed, under a suspension of the constitutional rule.

Mr. Walker offered the following

Joint resolution authorizing the printing of all laws relative to freedmen ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and adopted and ordered forthwith to the Senate.

Message from the Senate by Mr. Taul :

*Mr. Speaker :*

The Senate has amended, as therein shown, and passed the House bill—

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes.

M. TAUL, Secretary.

Bills were introduced by

Mr. Yonge, to authorize the Court of County Commissioners of Washington county to issue bonds or notes to rebuild bridges and repair public buildings in said county ;

Mr. Hardie, for the relief of the widow and heirs at law of the late Dr. Henry McKenzic, of Talladega county ;

Mr. Mabry, to authorize the Judge of the First Judicial Circuit to hold a special term of the Circuit Court for Dallas county ;

Mr. Mabry, to authorize the Commissioners Court of Dallas and Monroe counties to borrow money ;

Mr. Mabry, to give the Probate Court of Dallas county jurisdiction of the estate of Joel Riggs, deceased.

Mr. Reese, empowering the City Council of Selma to pay a specified tax ;

Mr. Borden, to re-enact the laws incorporating the town of

Oxford, in Calhoun county, and to give the corporate authorities of said town additional powers ;

Mr. Ash, to authorize the Commissioners Court of St. Clair county to divide said county into four commissioners districts ;

Mr. Ashford, to renew the charter of the town of Courtland, in Lawrence county, approved Dec. 13, 1819 ;

Mr. Freeman, to establish the time of holding the regular annual meeting of the General Assembly of the State of Alabama ;

Mr. Tompkins, relating to the administration of the estate of William McDowell, deceased ;

Which bills were read the first, second and third times, and passed, under a suspension of the constitutional rule.

Mr. Borden, joint resolution for the relief of County Superintendents of Education ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.

Mr. Sheffield, a bill—

To give a lien on the crop and stock for advances to assist in making the crop ;

Which bill was read the first and second times, under a suspension of the constitutional rule.

Mr. Smith, of Choctaw, offered the following amendment, which was lost :

*Provided*, That the lien created by this act, shall not effect existing liens an property.

The rule was then further suspended, and the bill read the third time, and passed, and ordered forthwith to the Senate.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate recedes from its amendment to the House resolution,

In relation to prolonging the session of this General Assembly and fixing the day of adjournment, and re-assembling of the same.

M. TAUL, Secretary.

The Senate bill,

To regulate the fees of certain officers in Lauderdale county,

Was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Boarland, was laid on the table.

The House concurred in the amendment of the Senate to the House bill,

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes.

The clerk was instructed to notify the Senate, forthwith, of the action of the House on the bill.

Mr. Clark of Mobile, introduced a bill,

To incorporate the Mobile Mutual Insurance Company ;

Which was read the first, second, and third times, under a suspension of the constitutional rule.

On motion of Mr. Clark of Mobile,

The action of the House, ordering the bill to its third reading was reconsidered, and the bill was referred to the Judiciary Committee.

Mr. Clark of Mobile, introduced bills,

To amend the act entitled "an act to incorporate the Southern Bank of Alabama ;"

To amend an act entitled "an act to extend the charter of the Bank of Mobile ;"

Which bills were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The hour of 12 o'clock having arrived, the special order, being the substitute offered by the Committee on Freedmen, for the bill "concerning vagrants and vagrancy,"

Mr. Peters moved to strike out from the 11th to the 16th line in 1st section.

Pending the discussion, a question of order was raised against Mr. Grant, that the discussion under this motion could not be extended to the subject of class legislation.

Mr. Speaker decided such discussion was proper.

Mr. Potter appealed from the decision of the chair.

The House sustained the chair.

The vote being then taken on Mr. Potter's motion,

It was lost.

Mr. Clark of Lawrence, moved to amend the 3d line of 1st section, so as to read, "any person who abandons his wife, or her husband and family." Lost.

Mr. Potter moved to postpone the bill till 15th of January next.

Lost.

Mr. Vansandt moved to adjourn till nine o'clock to-morrow.

Lost.

Mr. Grant moved to adjourn till 3 o'clock this evening.

Lost.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

To authorize the Commissioners Court of the county of Lauderdale to issue treasury notes to pay for the building of important bridges, repairing of court house, and for other purposes ;

To authorize the Secretary of State to issue a patent to Green W. Haley, of Marion county, for certain lands therein described ;

To authorize the Commissioners Court of Morgan county to issue county treasury notes, for the purpose of defraying the county expenses for the year 1866, in erecting a county jail, and for other purposes ;

To incorporate the Citizens Mutual Insurance Company, of Mobile.

Mr. Grant moved to adjourn till 4 o'clock this evening.

Lost.

Mr. Morse moved to amend as follows :

Insert the following after the word "person," in the 10th line of the 2d section :

" Shall be sent to the poor house of the county and sentenced to work under the supervision of the keeper or overseer thereof, until he gives bond, with approved security, in the sum of two hundred dollars, for his or her good behavior, for the term of 12 months from the date of the bond, which bond must be returned by the justice to the clerk of the Criminal Court, and the amount thereof is forfeited to the county, if, within that time, he abandons or fails, without good excuse, to support his family or commits any indictable offense ; and if such person, convicted of vagrancy as aforesaid, shall be a freedman, free negro or mulatto, it shall be the duty of the justice to sentence him or her to hard work on the lands provided by the county for paupers and vagrants, until such vagrant shall obtain a home and honorable employment, the proceeds of which labor shall constitute a fund for the support of the paupers and indigent of the county."

Mr. Worthy moved to lay this amendment on the table.

Adopted.

Ayes, 33 ; nays, 26.

YEAS—Messrs. Bankhead, Bthea, Callaway, Culver, Davis of Barbour, Echols, Gafford, Goldthwaite, Hardie, Hare, Henry, Judkins, Lanier, Ledbetter, Mabry, McAlexander, McLester, McMillan, Moore of Coffee, Owens, Pierce, Pipkin, Raisler, Reese, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Walker, Waller, Whitfield, and Worthy—33.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Brandon,

Caffey, Clark of Lawrence, Cobb, Connelly, Cox, Dobson, Gibson, Grant, Hand, Lawrence, Leeper, Malloy, Morse, Oliver, Padgett, Potter, Richardson, Robinson of Baldwin, Sheffield, Williams of Randolph, and Wilhite—26.

Mr. Morse moved to adjourn till nine o'clock to-morrow.

Lost.

Mr. Cobb moved to amend by adding the following at the end of the 2d section :

“And that out of the proceeds of the second hiring for each and every month said freedmen shall have failed to perform his services to the first hirer, then the amount for each month so failed to perform, shall be paid out of the proceeds of the second hiring.”

Lost.

Mr. Bourland moved to amend by striking out the words “cause to be inflicted on such vagrant thirty-nine lashes upon his or her bare back,” and shall, where they occur in the 27th and 28th lines of section 2d, after the word “Justice.”

Lost.

Mr. Morse moved to amend by striking out the proviso at the end of the 4th section.

Adopted.

Mr. Cox moved to refer the bill, substitute and amendments to a committee of one from each Congressional District.

Mr. Morse moved to amend this motion, by making a reference to a committee of one from each judicial circuit.

Mr. Manasco moved to adjourn until nine o'clock to-morrow morning, and that the bill and substitute be made the special order for that hour. Lost.

Mr. Moore, of Coffee, moved to re-commit the bill and substitute to the Committee on Freedmen.

On motion of Mr. Echols, the House made the bill and substitute the special order for nine o'clock to-morrow morning, and adjourned till that hour.

---

WEDNESDAY, December 13, 1865.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

The business before the House being the consideration of the Senate bill and proposed amendments thereto, Concerning vagrants and vagrancy,

Mr. Smith, of Choctaw, offered the following amendment ;

Which was adopted :

Strike out all after the word "mulatto" in the 19th line of the second section, and insert :

"It shall be the duty of the justice to commit such vagrant to the poor house for the balance of that year, and he shall be required to labor upon the lands connected with such house, under directions of the keeper of the same, and the proceeds of his labor shall be used for the support of the poor, and if any such freedmen shall be convicted of vagrancy, after he shall have entered into a contract to work with any person for any period of time, he shall forfeit his wages for the entire year. And after any freedman shall be committed to the poor-house, as aforesaid, it shall not be lawful for any white man or free person of color, to employ said freedman during the balance of that year, or to give him food, clothing or entertainment on his or her premises ; and any person violating the provisions of this section, shall be guilty of a misdemeanor, and on trial and conviction, shall be fined in the sum of five hundred dollars, and may be imprisoned at the discretion of the court trying the same ; Provided, that any city or incorporated town shall have the right to establish houses of correction, or provide such other punishment for vagrancy as they may deem proper."

Mr. Morse moved to amend the third section by striking out "hire, the person so hiring said vagrant," where they occur in the first and second lines, and inserting "commitments, the keeper of such poor house." Strike out "wholesome" between the words "of" and "food," in the second line ; insert "medical attention and medicine" between the words "taxes" and "during" in the third line. Strike out "hirer" and insert "keeper," in the fourth line.

Leaves of absence were granted to Messrs. Robinson, of Chambers, McCann, Freeman, Stringer, Hare, Yonge and Owens.

Mr. Bethea moved to suspend the rules to allow him to introduce bills. Adopted.

Bills were introduced by—

Mr. Bethea, to authorize persons who have executed attachments under military order on sheriffs who have or may have property so attached turned over to them by order of court, to take replevy bonds for the same.

Mr. Bethea, for the relief of the sheriff of Montgomery county.

Mr. Caffey, to protect attorneys and officers of court ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.



Mr. Bethea, to incorporate the Medical and Surgical Society of the city of Montgomery ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Bethea presented an account, which was referred to the Committee on Accounts and Claims.

Mr. Caffey, a bill to make an appropriation to pay M. G. Moore, warden of the penitentiary ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Gafford, from the Committee on Accounts and Claims, reported a bill

Making an appropriation for necessary fuel, lights, stationery and servants' hire ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the Senate.

Mr. Whitfield moved a suspension of the rules, to allow him to make a report from the Committee on Ways and Means, and one from the Committee on the Judiciary.

Adopted.

Mr. Whitfield, from the Committee on Ways and Means, reported a bill—

For securing taxes from transient dealers ;

Which was read the first, second and third times, and passed, under a suspension of the constitutional rule, and ordered forthwith to the Senate.

Mr. Whitfield, from the Judiciary Committee, reported an amendment to the bill :

To invest the Probate Court with additional powers over the estates of deceased persons ;

1. Amend 1st section by adding after the words " party in interest," in the tenth line, the following words : " or until the happening of any contingency."

2 Amend 2d section by adding after the words " upon filing of said petition," in the ninth and tenth lines, the following words : " the judge shall appoint a day for the hearing of the same, and shall give ten days notice thereof, by advertisement, in some newspaper published in the county, and if there be no newspaper, then by posting the notice at the court house door; and on the day appointed." Also, after the word " petitioner," in the 13th line, insert the words " or by the parties in inte-

rest." Also, strike out the word "he," in the 14th line, and insert the words "said judge."

3. Also, strike out the 5th section entirely.

4. Also, amend 6th section, by striking out the words "and the Judge of the Probate Court shall grant an order for the leasing or selling of the lands, as directed in the foregoing sections," where they occur in the 4th, 5th, 6th and 7th lines, and insert, in lieu thereof, the following words: "If the said Probate Judge shall refuse to grant an order for the hiring of laborers to cultivate the lands;" and in the eighth line strike out the words "in like manner."

5. Also, amend 7th section, by striking out all the latter part, from the tenth to the twelfth line, both inclusive.

The amendment was adopted, and the bill read the third time, and passed, and ordered forthwith to the Senate:

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills :

For the relief of Francis E. Hooks, administratrix of the estate of T. J. Hooks, deceased, of Pike county ;

Ratifying and confirming the election of Members to Congress from this State, held on the 6th of November, 1865.

To incorporate the town of Richmond, in Dallas county ;

To remove the jurisdiction of the estate of Benj. Gibson, deceased, from Tallapoosa to Macon county ;

To obtain and preserve records of Alabama soldiers ;

To amend an act incorporating the Prattville Male and Female Academy, in Autauga county ;

The Senate has amended, as therein shown, and passed the House bill—

To prevent persons from purchasing and receiving stolen goods.

The Senate has originated and passed the following bills :

To amend section 3178 of the Code ;

To amend section 1215 of the Code relating to apprentices ;

To punish the offering to bribe to commit offences ;

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code, which took away that right ;

To amend section 1276 of the Code ;

To amend section 3794 of the Code, relating to vagrants.

MICAH TAUL, Secretary.

On motion of Mr. Leeper, the House suspended the rules to enable him to call up certain Senate bills :

To amend section 3794 of the Code, relating to vagrants.

To amend section 1215 of the Code, relating to apprentices.

For the relief of Richard H. Oakley, of Bibb county.

For the relief of Samuel W. Hutchinson.

To regulate the payment of costs of prosecution in criminal cases, in which the defendants may be insolvent, in the county of Montgomery;

Which were read severally the 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed.

Mr. Hare moved to reconsider the vote by which the bill "To authorize the Probate Judge of Sumter county to grant an order to the guardian of Parham Yarbrough, a minor, to sell the lands belonging to said minor, either at public or private sale," was passed, reconsidered, and the vote ordering the bill to the 3d reading was reconsidered.

Mr. Hare moved to amend by inserting after the word "Yarbrough," in the 5th line, the following: "Guardian of Parham Yarbrough."

Amendment adopted, and the bill was read the third time and passed.

Mr. Morse, from the select committee, to whom was referred the resolution relative to the supplies to be furnished this State through Major General Swayne, submitted the following letter from that officer, which the committee requested should be referred to the Committee on Destitution and Supply:

MONTGOMERY, ALA., December 11, 1865.

*Hon. Joshua Morse, Chairman, &c.:*

SIR—I have the honor to return the inquiries addressed to me by your committee, and have subjoined such reply as I am able to make.

1. "What amount of supplies or provisions will the United States Government furnish to the destitute and indigent of this State, in the aggregate, and to each individual?"

The policy of the Government, as known to this Bureau, is expressed in the recent report of the Secretary of War. Proper provisions for the colored population, whose condition has been changed by direct act of the Federal Government, to serve its own purpose in the conflict, is a solemn duty. More or less resistance to the performance of this duty, is to be expected while any rebellious or hostile spirit remains, but it cannot be evaded or thrust aside, with national honor or safety.

A numerous class of white persons, who, without fault in

themselves, are suffering want, occasioned by the ravages of war, have also a just claim for relief. But, while discharging these obligations to needy, destitute white persons and the freed colored people, the utmost care must be observed to guard against establishing a national system of pauperism, that might foster a horde of idle officials or dishonest agents, and engender vice, sloth and improvidence among a large class of persons." Under similar ruling, a custom of service arose, and is yet practiced at military posts with the scene of conflict, to issue gratuitous rations, such as the stores on hand permitted and were required by the necessity. The issue devolves upon this Bureau, where it is present, and it is further empowered, in rare cases, to issue rations to agriculturalists temporarily destitute, taking a lien upon the crop for value.

A great number of gratuitous rations have been so issued in this State, and a partial supply is still dealt out. No precise aggregate, such as you refer to, has been fixed, but you will observe that its duration is contingent, and that it diminishes with the reduction of military posts. In view of this, and in alarm at the prospect for this winter, the attention of the government has been strenuously drawn to the situation of the State, and assurance has been received of whatever aid the government can afford. That this will result in a material and immediate enlargement of the present supply, I see no reason to doubt. Measures are already on foot for importation to that end. Whether these are to reach the limit of necessity, will depend upon the necessity itself. To supply for four months the number (140,000) fed last year, would cost at least \$1,100,000—too large a sum to be reached without Congressional legislation. It would, therefore, seem advisable, that steps be taken, on the part of the State, to meet whatever deficiency may arise. The amount issued to each person, or to the members of a family is the "destitute ration," a table of which is appended, for such number of days, not exceeding thirty at one time, as propriety may dictate.

II. "What class of persons will be the recipient of such bounties, and what means will be adopted to obtain a correct list of such class or classes?" It is the design and spirit of this Bureau, to help the helpless, and those only, without regard to color, or political antecedents, and it is considered, that in this country, no men and few women are helpless of physical ability to work. For a correct list of such persons, I have looked to the measures pending in your honorable body, aided by enquiries of the benevolent, where official channels have not been efficacious.

III. "What agencies will be employed to provide for the distribution of the supplies so furnished?"

It is the policy of this office to discharge for the people of the State only those duties which themselves do not assume; hence the commissioner recently authorized by law to co-operate with this office will be invited to avail himself of all assistance, either of county officials or of voluntary effort, that may come within his reach.

IV. In reply to your kind suggestion, that I make such commendation as occur to me, your attention is called to the fact that no system of care for black paupers for helpless persons exist, either in law or in fact. An immense class of such persons has been suddenly created. In the places to which they cling timidly as their homes, there is often no disposition—oftener no ability to provide them a support. Thousands of cases of distress, impoverishment and crime, arising from this cause, come to the knowledge of this office. It is necessary to social order that it be removed.

The duty of the National Government toward these people has been recognized above. But their first want is—a home; and this its policy, as so far indicated, does not provide. - Nor is it desirable that the State be dotted with places under Federal jurisdiction. Hence, it is suggested, that the advances of the Government be met, at least to the extent of requiring the commissioners of each county to provide lands on which black paupers can be assembled and cared for, and such labor exacted as they can rightfully render. It is believed that in such an effort the co-operation of the Government can, as to food and clothing, be immediately rendered, and this, with probable enlargement, be secured so long as the present condition exists. A further legal proviso that vagrants and persons convicted of misdemeanors serve out the period of labor at the poor-house of persons of their own color, is believed to present an opportunity to make these places of refuge a nominal expense, perhaps also a public relief.

I am, sir, very respectfully,

Your obedient serv't,

WAGER SWAYNE,

Brevet Major General.

Mr. Goodwin moved to lay the report on the table.

Lost. Yeas 22; nays 53.

YEAS—Messrs. Ashford, Bethea, Caffey, Callaway, Echols, Freeman, Gafford, Goldthwaite, Henry, Humphrey, Judkins, Lanier, McAlexander, McMillan, Meadors, Pierce, Pipkin, Rais-

ler, Richardson, Robinson of Baldwin, Stringer, and Worthly—22.

NAYS—Messrs. Speaker, Bankhead, Borden, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Dobson, Ellis, Gibson, Grant, Hand, Hardie, Hare, Lawrence, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manaseo, McBee, McCain, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Potter, Reese, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Williams of Jackson, Williams of Randolph, and Wilhite—53.

The report was then referred to the Committee on Destitution and Supply.

On motion of Mr. Freeman, the rules were suspended to enable the Committee on Education to report, as follows:

The Committee on Education, to whom was referred the annual report of the Trustees of the University, have had the same under consideration, and have instructed me to report,

That the necessities of the University, as well as justice, require the prompt payment of the semi-annual interest on the University fund;

And that an election be held by the General Assembly as early as practicable, for Trustees to fill the following vacancies reported by the board, viz:

- One in the 2d District,
- Three in the 3d District,
- One in the 6th District,
- One in the 9th District.

Respectfully submitted.

Z. F. FREEMAN, Chairman.

Which was referred to the Committee on Ways and Means.

Mr. Moore, of Perry, offered the following resolution:

*Resolved*, (the Senate concurring,) That the two Houses meet in the hall of the House on Thursday, the 14th instant, at 12 o'clock m., for the purpose of electing a State Superintendent of Education.

Mr. Williams, of Jackson, moved to lay the resolution on the table. Lost.

The resolution was then adopted, and ordered forthwith to the Senate.

Mr. Chapman, by leave, introduced a bill—

To determine the right to property, in certain cases therein named;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Judiciary committee.

The hour of 12 o'clock, m., having arrived, the Senate, by invitation, appeared within the hall of the House of Representatives, to attend the ceremonies of inauguration of the Governor elect, Hon. Robt. M. Patton, who also appeared, together with the Committee of Arrangements of the two Houses, and the Provisional Governor, Hon. Lewis E. Parsons.

Mr. Patton then delivered his inaugural address, and the oath of office was administered to him by the Speaker of the House.

After which, Governor Parsons addressed the General Assembly, and the ceremonies of inauguration were closed, the Senate, Governor and Provisional Governor retiring from the Hall.

---

### INAUGURAL ADDRESS.

*Gentlemen of the Senate and House of Representatives:*

Having been elected Governor of the State of Alabama, I appear before you to-day, for the purpose of taking the oath prescribed by the constitution, and entering formally upon the duties of the office. Profoundly grateful for the distinguished honor which has been conferred upon me, I am by no means insensible of the heavy weight of the responsibilities which rest upon the Chief Executive of the State, particularly at the present time. I assume the duties of this high position under circumstances which are peculiarly embarrassing. Our country is beset on every side with difficulties which seem almost insurmountable. But relying upon the support and assistance of the co-ordinate departments of the State government, and trusting that a generous people will look with kind forbearance upon whatever errors I may commit, and that an All-wise and good Providence will direct me in all my thoughts and conclusions, I willingly enter upon the difficult task before me. By a firm and earnest application of my best energy and abilities to the high service to which I have been called by the popular will, I hope to justify, in some measure, at least, that great trust which has been reposed in me by my confiding countrymen.

By an act of Congress, approved March 2, 1819, the State of Alabama became one of the members of the Federal Union. The relation then established between our State and the gene-

ral government, remained uninterrupted for a period of nearly half a century. During that time, the people never felt the slightest pressure of real political troubles. In 1819, the State was comparatively a wilderness. In 1860 it literally bloomed and blossomed as the rose. From the feebleness of tender infancy, it had grown to gigantic manhood. The few settlements of hardy and adventurous pioneers, situated at remote distances from each other throughout its vast area, expanded to a dense and wealthy population.

At the beginning of the year 1861, Alabama contained nearly one million of inhabitants, and all branches of industry and trade were prosperous. Villages, towns and cities were flourishing, and internal improvements were rapidly and satisfactorily progressing. We had everything in the most bounteous measure which was essential to make life happy. Our high state of agricultural prosperity may be readily appreciated by reference to the single article of cotton, the annual product of which had reached nearly 1,000,000 bales. Official reports show that the number of bales produced in 1860 was 997,978. This amount of cotton, by fair computation, was worth in the markets of the world, not less than \$50,000,000. Alabama had become the largest cotton growing State in the Union, producing about one-fifth of the entire American crop.

Nor was it in agriculture alone that our State was prospering. Our commercial, manufacturing, and mechanical interests, and internal improvements were all advancing in a highly satisfactory degree.

Thus, we see that, as a peaceful and quiet member of the Federal Union, we had grown from an infant State, to one of greatness, wealth and power. Our growth was gradual, healthful, vigorous and substantial. No people can attain to such a high state of prosperity without the protecting hand of a government to maintain political tranquillity, and enforce civil order in the land. That quiet and order Alabama enjoyed without the slightest molestation from the time she entered the Union, in 1819, until the unfortunate events of the spring of 1861. Then we were brought to a sudden and violent halt in our proud and rapid march on the high road of prosperity and happiness.

On the 11th day of January, 1861, a Convention of the State passed an ordinance declaring, in effect, that the people of Alabama were thenceforth absolved from all allegiance to the government of the United States. Those who took this step maintained the theory that a State had the constitutional right to dissolve its connection with the Federal Union, and decided



that the time had come when it was expedient and proper to sever the relations which bound us to the general government.

I trust that it will not be considered inconsistent with the proprieties of the occasion to state that I did not concur in this reasoning. My judgment did not approve of either the doctrine or act of secession. I thought that the position assumed by Alabama, and the other Southern States, would precipitate the Northern and Southern States into an unnatural and a protracted war. But while firmly entertaining this opinion, I deemed it a duty, as a citizen of Alabama, to yield obedience to what had been done. Painfully apprehending that the step which had been taken would bring ruin upon us, I nevertheless held myself bound by the authoritative decree which was deliberately pronounced by the people through a Convention of their own choice. I can point to this action, on my part, as at least, attesting my devotion to all the regular forms of authority in the State, and as some proof of my readiness to share the fate of my fellow-citizens, under any and all circumstances, whatever that fate might be.

I should have rejoiced if the events which flowed from the Ordinance of Secession had been different from what I apprehended. I would have been most happy if the great problem presented by the action of the Southern States had found some solution which would have saved us from the direful calamities of civil war. But, unfortunately, such was not the case. The United States government disputed the claim of secession, and resolved to maintain its authority over the entire Union, at every hazard.

The Southern States with equal firmness resolved to stand by the position they had taken, and a conflict of arms ensued. War becoming then inevitable, the Southern people rushed to the field with great unanimity; and this gave some ground for the hope that the struggle would at least be of short duration. But even those who cherished this fond hope were doomed to disappointment. When the issue of arms was joined, the martial spirit of the whole country was aroused. The war at once assumed such gigantic proportions as to render it palpable that the conflict was to be stubborn, protracted, sanguinary, and destructive beyond all parallel in the history of civil wars. All efforts to check or mitigate its ruinous course were fruitless. For four years it swept over our land like a sulphurous sirocco, and scarcely a locality in the South escaped its devastating blast.

The ability and skill with which our prominent Generals conducted their respective campaigns, and the energy and bra-

very with which our patriotic soldiers fought, excited the admiration of the civilized world. But with all the ability of our Generals, and all the bravery of our soldiers, the war resulted adversely to the South. When our eminent commanders were forced to capitulate, they bore themselves with a chivalry and manliness which secured from their triumphant adversaries such terms as were eminently magnanimous and honorable. When the arms of the United States became supreme, the Confederate forces were subjected to no humiliating submission. Their honorable pride was not offended. They were accorded every privilege which modern civilization concedes to a brave and patriotic, though vanquished foe.

Of the wide waste and ruin which the war has wrought upon our once happy country, Alabama has suffered a full share. Of her brave sons who entered the army, it may be safely stated that from thirty-five to forty thousand perished in the service. In material wealth, her loss in one species of property alone—that of slaves—is not less than two hundred and fifty millions of dollars; and the aggregate amount of losses in the various other descriptions of property must be equally as much. Hence we find that, in this State alone, we have sustained a loss, in actual and substantial wealth, of at least five hundred millions of dollars.

In this brief reference to the events of the last four years, I do not wish to be understood as seeking to vindicate the correctness of opinions which I entertained and expressed at the incipency of our late troubles. It is true, that disaster and ruin were predicted; but Heaven knows I take no pleasure in pointing to the fulfilment. Those events are now historic, and we should only recur to them in that calm and philosophic spirit with which we may appeal to any other history for profitable lessons to guide us in our actions while dealing with the momentous present, and preparing for the dubious and even threatening future. For this purpose I think we may all profit much by contrasting the prosperity and happiness which our country enjoyed at the beginning of the recent war, with its present crippled and almost ruined condition. In doing this we should forget the contentions, bickerings, passions, excitements and dissensions through which we have passed; or if we cannot forget, let us at least rise above them. Let us be as one man; and if we are unable to recover that which has been lost, it becomes us to bend our united energies in saving and improving that which remains to us.

The war closed with Andrew Johnson as President of the United States. The South lay prostrate and helpless, at the

feet of Federal power. During the war, the legislation of Congress was necessarily tinged with the passions of the times, and upon the return of peace there were found upon the National statute book some of the most stringent and proscriptive laws for the punishment of persons and confiscation of property. There was but one way by which we could escape the severe penalties of these rigorous enactments, and that was through the pardoning power of the President.

Soon after the surrender of the Southern armies, the President by proclamation and the appointment of provisional Governors, announced his terms of amnesty and the policy by which he proposed to restore harmonious relations to the recently discordant States. Under all the circumstances associated with the new condition of things, it must be confessed that the terms of amnesty were as liberal as could have been reasonably expected. To the great mass of our countrymen a pardon was tendered upon the simple condition of taking an oath to support the constitution and laws of the United States, and the Union of the States thereunder, including a pledge of obedience to the Presidential proclamations relative to slavery. This condition was readily and cheerfully complied with. The various classes who were excepted from this liberal condition, and who could only obtain amnesty by special action on the part of the Executive, have presented their applications in large numbers; and the anxiety with which they seek for favorable action on their respective cases, gives evidence of the sincerity with which our whole people are endeavoring to conform to the full requirements of the times.

The reconstruction or restoration policy of the President was duly submitted to the people of Alabama, and has been unhesitatingly accepted by them. It may be safely asserted, that as far as the work of reconstruction has progressed in this State, it has been in strict conformity with what was understood to be the policy of the General Government. Without undue murmuring, and in perfect good faith, our people have patriotically conformed to all the exigencies of the situation. They fully and fairly accept the results of the war, with all their legitimate consequences.

Candor and sincerity are prominent traits of Southern character. Our people never dissemble; they always mean what they say and do. Their high character in this regard is so well established that all reasonable men, in every part of the country, must award full credit for their every action since the termination of the war. Our soldiers bore themselves with manliness when they laid down their arms, and have observed their paroles

with scrupulous good faith. Returning home, they sunk the soldier into the citizen ; and cordially uniting with other citizens they have given the whole weight of their potent influence in forwarding the great work of restoration. Patiently, and uncomplainingly obedient to all the requirements of the Constitution, laws, and even military orders of the United States since the war closed, the people of Alabama have given every possible evidence which human action can furnish, of unfeigned integrity of purpose, and devoted loyalty to the General Government. We may rightfully claim, therefore, that our State is fully entitled to be placed in that position in the Union where she will stand as the political equal of any other State under the Federal Constitution. In this faithful acquiescence in results, and this sincere desire for the restoration to amicable and harmonious relations with the other States of the Union, there are no party divisions among us. Those who favored, and those who opposed secession, now stand firmly and heartily together.

Having thus, as I maintain, given ample evidence of our purpose to perform our whole duty towards the General Government, let us now address ourselves to more local State affairs.

The depression which the war has wrought upon the country, bears directly, and with heavy weight, upon our State finances. Our treasury is depleted, and the resources from which we have heretofore drawn our revenue are greatly diminished. Slaves formerly constituted a large portion of the property upon which taxes were assessed. But that species of property is now gone, and as a matter of course, we will have to modify our tax laws in reference to the remaining taxable resources of the State.

In the year 1845, the bonded liabilities of Alabama amounted to over \$10,000,000. This heavy indebtedness was created, in part, at least, by a system of banking, the general operations of which proved deleterious to the public interest. But by a wise and judicious policy, this large debt has been so far reduced, that our liabilities on account of State bonds, at the present time, amount to but \$3,445,000. These bonds are payable as follows: \$2,109,000 payable in the city of New York, and bearing only five per cent. interest ; \$648,000 payable in London, and bearing also five per cent. interest ; and the remainder, \$688,000, payable likewise in London, bearing an interest of six per cent. per annum. This is comparatively a small debt, which comes completely within the financial control and management of the State.

It may, perhaps, be proper to state here, that all that is ab-

solutely necessary to be paid in connection with this bonded debt, is the annual interest. It is stipulated upon the face of the bonds that the period for which they are to run may be extended indefinitely, as they fall due, if need be, at the pleasure of the State. But of course, in order to maintain the credit of those bonds, the interest thereon must be faithfully and promptly paid. Up to the period of the commencement of the war, the State's credit had been so jealously guarded that her bonds, though drawing a low rate of interest, commanded a premium in the leading markets of the world. We should by all means be careful to maintain our good reputation in this regard.

In addition to this bonded debt, the State has obligations as Trustee for the Common School and University Funds. The Common School Fund consists of the proceeds of the sales of the 16th section in each township of the public lands, given to the State by the General Government for educational purposes. This fund, amounting to \$1,807,099.65, is held in trust by the State, and the interest arising thereon is to be applied to the support of common schools. Then there is the University Fund, amounting to \$300,000, the interest upon which belongs to that highly valuable institution, the University of Alabama. These trust funds should be held sacred, and the proceeds faithfully applied to the great purposes of education for which they were created. The cause of popular education I have always regarded as of the highest interest and importance; and it has peculiar claims upon us at the present time. One of the results of the war has been to leave a large number of orphans who are chiefly if not wholly dependent upon our public schools for their education. We have, therefore, additional reasons for continuing, even with increased efficiency, if possible, that system of popular schools which has always conferred so many benefits upon the youth of the State.

The question of raising the amount of revenue which will be necessary for the various purposes of the State Government, is one of first importance. The property in slaves being destroyed; we know that the existing tax laws will not be sufficient for the purpose; and in the modification of those laws, we cannot be indifferent to the depression under which the industrial and business interests of the State are suffering. So far as we can, consistently with sound policy and the necessities of the State, we should refrain from imposing additional burdens upon the people at the present time.

In providing for the wants of the State for the present fiscal year, we will doubtless have to resort to a loan. This, I think,

we may do without any serious detriment to our State finances. We have the assurance of Northern capitalists that as soon as Alabama resumes her proper place in the Federal Union, the requisite loan can be negotiated on advantageous terms.

We may reasonably hope that by the next fiscal year the various interests of the people will have reached that point of prosperity which will enable us to realize from taxation a sufficient amount of revenue for all the purposes of the State. Our people are energetic, industrious and enterprising, and we may confidently anticipate a speedy revival of agricultural, manufacturing, commercial and mechanical prosperity, which will enable us to raise not only what is essential to defray the current expenses of the State—including the interest on our indebtedness—but even a surplus, for a sinking fund, to be applied to the redemption of our funded debt.

There is much suffering in Alabama, which calls for relief at the hands of the State Government. Many appeals will reach us to which we cannot turn a deaf ear. That portion of our indebtedness which was incurred for carrying on the war, has been annulled and set aside. It has been decided that this course, in regard to that debt, is one of the logical results of the war. But we cannot disregard the debt of gratitude which we owe to those heroic men who went to the battle-field in obedience to the authority which was wielded over them, in part, at least, by our State Government. Many of them fell upon the field of carnage; many returned to desolate and ruined homes; while many survived the war maimed or disabled for life, and are now helpless. The destitute widows and orphans of those who sacrificed their lives should not be allowed to suffer; the dependent and helpless living should be provided for. The General Government has magnanimously remitted the legal penalty incurred by the Confederate soldier, but upon its bounteous coffers has no claim for reward or assistance. It is true that generous provisions are being made for present assistance to all classes of our suffering population by General Swayne, an able, just and highly efficient agent of the United States Government. But to Alabama alone can the suffering Alabama soldier make his appeal for permanent relief.

A sudden and radical change has been wrought upon our labor system. The extinction of slavery is one of the inevitable results of the war. The relation heretofore subsisting between the whites and blacks has been totally changed. The negroes are now free, and this stubborn fact is fully and unequivocally recognized. How far governmental action may be able to promote the common interest of the two races in their suddenly

changed condition is a great problem which time alone can solve.

The normal vocation of the negro is that of a cultivator of the soil. The soil and climate of Alabama are peculiarly adapted to the growth of cotton—that great staple which wields a most potent influence in the commercial world. Land owners are dependent upon the negro for the labor which is necessary to produce cotton. Hence the negroes have but to avail themselves of the advantages which they possess as cultivators of cotton lands, to make for themselves an independent living. In their new condition their future happiness or misery depends entirely upon themselves. They will find no disposition on the part of the whites to oppress them, withhold from them any of those rights to which they are entitled as freedmen.

The recent convention of the State adopted an ordinance, imperatively requiring the Legislature, at its present session, to provide full protection for the persons and property of the colored population. Of course it is assumed that the Legislature will take the required action in this regard. In all this we see the evidence of a firm purpose to deal fairly and justly with the freedmen in his new condition. We will not only extend to him all his legitimate rights, but will throw around him such effective safeguards, as will secure him in their full and complete enjoyment. More than this, I am persuaded, our Northern brethren cannot and will not ask of us. At the same time it must be understood that, politically and socially, ours is a white man's government. In the future, as has been the case in the past, the State affairs of Alabama must be guided and controlled by the superior intelligence of the white man. The negro must also be made to realize that freedom does not mean idleness or vagrancy. Emancipation has not left him where he can live without work.

Let us hope that, by a judicious policy on the part of the State, and prudence on the part of planters and others employing negroes, we may not experience that interruption in the development of our industrial resources which might, at first view, have been apprehended from the sudden and radical change to which our labor system has been subjected. It may be, indeed, that, by additional energy, and bolder enterprises, we may find ourselves, at no distant day, on a higher road to prosperity and greatness than we were likely to attain under the old system. At any rate, let us hope for the best. We have vast resources, which capital, science and labor will develop in due time. All these will find inviting fields in Alabama.

I have necessarily touched but briefly upon topics pertaining to State policy. I shall perhaps have occasion to refer to them more fully in formal communications to the Legislature.

Allow me to say, gentlemen, in conclusion, that since the close of the war, it has been evidently the studied purpose of our people to move in full harmony with the avowed policy of the National Administration. This attests the high confidence which is reposed in the ability, integrity and patriotism of President Johnson. I have no hesitation in expressing the belief that the President is doing everything in his power to advance the best interests of the whole country, both North and South. In his high and responsible position, he has given the most indubitable evidence of his purpose to administer the affairs of the Government in a spirit of fairness, justice, and conservative nationality. I consider it clearly our duty to give him our cordial and earnest support in the patriotic course which he is pursuing.

On motion of Mr. Goodwin, three thousand copies of the inaugural address were ordered to be printed for the use of the House, and the pro rata share of each member be placed upon his desk by the Secretary of State.

On motion of Mr. Bethea, the House adjourned till to-morrow morning, 10 o'clock.

---

THURSDAY, December 14, 1865.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Davis.

On motion of Mr. Bethea, the reading of the journal was suspended to take from the table the Senate bill concerning vagrants and vagrancy, and the proposed substitute of the Committee on Freedmen.

Mr. Bethea offered a substitute for the bill and proposed amendments, which was adopted and read the 1st and second times under a suspension of the constitutional rule.

Mr. Morse offered a substitute for the substitute. The vote being on the adoption of this substitute, it was lost.

Mr. Leeper moved to postpone the further consideration of the bill and amendment until the 15th of January next. Lost.

The bill as amended by substitute was read the third time, under a suspension of the constitutional rule.

Mr. Goodwin offered an amendment by way of engrossed



ryder, which was read the 1st, second and third times under a suspension of the constitutional rule and adopted.

SEC. 7. That the court of county commissioners of each county shall have full and complete control of the public works and public highways therein, and shall make all contract in relation thereto, and shall have power to appoint a superintendent of said public works and highways, under such rules and regulations as said courts shall determine, and any justice of the peace trying any cause under this act, on conviction, shall have power to sentence such vagrant to work on said public works and highways, under the supervision of such superintendent, for not more than forty days;

And as amended, the bill was passed and ordered forthwith to the Senate.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following bills to be correctly enrolled:

To obtain and preserve records of Alabama soldiers.

To compensate commissioners appointed to administer and register oaths to voters.

To authorize the Commissioners' Court of Limestone county to issue county treasury notes, for the purpose of building a court house and important bridges in said county.

For the relief of George U. Tippens.

To repeal an act to reduce the fees of the county surveyor of DeKalb county.

To make Mary C. Campbell a free dealer.

To incorporate the Pleasant Ridge Male Academy in the county of Greene.

Declaring Hulda Clayton, of DeKalb county, a free dealer.

Authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county to Russell county, in this State.

To authorize the Governor to exercise the pardoning power before conviction.

Message from the Governor by Mr. Taylor, his private Secretary :

*Mr. Speaker:*

His Excellency, the Provisional Governor, has approved the following acts and joint resolutions, which originated in the House of Representatives :

An act for the relief of John B. Walden, Solicitor for the 5th Judicial Circuit.

Joint resolution to authorize the Provisional Governor to contract for a loan for the State.

Joint resolutions of the General Assembly of Alabama ratifying an amendment of the Constitution of the United States.

An act to appropriate money to pay the expenses of the present General Assembly.

An act to authorize certain officers of Bibb county to make publication in the newspapers of Selma.

An act to repeal an act to authorize A. T. Kanady to erect a fish trap in a portion of the Coosa river, approved November 17, 1863.

An act to incorporate the Selma Fire and Marine Insurance Company.

An act to amend an act incorporating the town of Newbern, in Greene county, so as to invest the Intendant with the powers of Justice of the Peace.

An act to give the Probate court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county.

An act to amend an act entitled an act to incorporate the Northeast and Southwest Alabama Railroad Company, so as to authorize said corporation to sell and transfer its franchise, assets, &c.

An act to give to the Probate Court of Macon county jurisdiction over the estate of J. C. Slocum, late deceased of Tallapoosa county.

An act to authorize the removal of the administration of the estate of Stephen F. Pool, deceased, from the Probate Court of Marengo county to the Probate Court of Sumter county.

An act to empower the Commissioners' Court of Winston county to issue county bonds and to levy a special tax.

An act to make Samuel S. Cornwell (a liner between Conecuh and Monroe counties,) a citizen of Monroe county.

An act to lay off the county of Walker in four Commissioners' Districts.

An act for the relief of Charles H. Phillips, of Chambers county.

An act for the relief of Augustus C. Finlay, of the county of Chambers.

An act to supply books to the Probate Judge of Walker county.

An act to re-enact the laws incorporating the town of Carrollton, in Pickens county.

An act to prevent the Court of County Commissioners for Cherokee county from levying a greater tax than fifty per cent. upon the State tax for county purposes.

An act to amend the charter of the town of Gainesville and confirm an election.

An act for the relief of Margaret L. Estes, and Niceny Estes, and their sureties.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate concurs in the joint resolution proposing to go into an election of State Superintendent of education, to-day, at 12 o'clock, m.

It has passed the following House bills :

To authorize the issuance of execution on certain judgments without a revival of such judgments.

The more effectually to prevent the offenses of grand larceny, arson and burglary.

To amend the charter of the Selma and Meridian Railroad Company.

To give a lien on the crops and stock for advances to assist in making the crop.

For the relief of the widow and heirs at law of the late Dr. Henry McKenzie, of Talladega county.

To repeal an act entitled an act in relation to the appointment of apportioners and overseers of public roads, &c.

Has also adopted memorial and joint resolutions to the President of the United States; and joint resolutions authorizing the printing of all laws relative to freedmen.

The Senate has also originated and passed the following bills :

To incorporate the Tennessee River and North Alabama Mining and Manufacturing Company.

To amend section 3107 of the Code, so as to make the penalty discretionary with the jury.

For the relief of W. B. & A. R. Bell & Co.

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid such payments.

To provide for the issue of State bonds to renew and extend the time of payment of certain State bonds therein named.

For the relief of David Downey, of Jefferson county.

To incorporate the Traveller's Insurance Company of Alabama.

M. TAUL, Secretary.

Mr. Moore of Perry, moved to suspend the special order fixed for this hour, to take up the Senate bill,

To provide for the issue of State bonds;

Adopted, and the bill

Was read the 1st and 2d times under a suspension of the constitutional rule.

Mr. Bethea moved to amend, by inserting after the word "place" in the 11th line of section 1, the words "in the United States." Also after the word "place" in the 12th line of section 2, insert "in the United States." Adopted.

The bill, as amended, was read the third time under a suspension of the constitutional rule, passed, and ordered forthwith to the Senate. The vote was by ayes and naves, as follows, on the passage of the bill :

AYES—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Dobson, Doster, Frazer, Freeman, Gafford, Gibson, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Russell, McLester, Meadors, Moore of Coffee, Moore of Perry, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vanzandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilbite, and Worthy—72.

NAYS—Messrs. Brooks, Caffey, Cox, Crenshaw, Davis of Bibb, Echols, Edwards, Ellis, Faulk, Goldthwaite, Goodwin, Humphrey, Judkins, Jones, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Morse, Odum, Owen, Plowman, Stringer, Thrasher, and Yonge—25.

The Senate bill,

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid in such payment ;

Was read the 1st, 2d and 3d times, under a suspension of the constitutional rule.

On motion of Mr. Bethea, the vote on ordering the bill to a third reading was reconsidered, and the bill was made the special order for 3½ o'clock this afternoon.

On motion of Mr. McCain, the special orders were further suspended, to enable him to call up the Senate bill,

To change the time of holding the Circuit Court of the county of Coosa,

Which was read the 1st, 2d and 3d times, and passed under a suspension of the constitutional rule.

Mr. Reese moved a futher suspension, to allow him to introduce a bill. Lost.

Mr. Bethea moved a further suspension, to take up the Senate messages. Adopted.

Mr. Walker moved, that the Committee on Ways and Means be instructed to report to the House this evening its action on the bill to aid agriculture in the State of Alabama. Adopted.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared within the Hall of the House, and the two houses in joint convention proceeded to elect a State Superintendent of Education.

Messrs. N. B. Cloud, of Macon, John Ryan, of Jackson, and John B. Taylor, of Montgomery, being in nomination.

Those who voted for Mr. McCloud are—

Messrs. Castens, Foster, Moren, Powell of Macon, and Slaughter, of the Senate; Messrs. Clark of Mobile, Davis of Barbour, Frazer, Judkins, Lanier, McCain, McCoy of Russell, McLester, McMillan, Pipkin, Reese, Robinson of Baldwin, Smith of Choctaw, Whitfield, and Williams of Jackson, of the House—20.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Norwood, Sykes, and Winston of the Senate; Messrs. Ash, Ashford, Bankhead, Bourland, Bush, Chapman, Clark of Lawrence, Cobb, Ellis, Freeman, Gibson, Goolwin, Hund, Hure; Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, Morse, Oliver, Palmer, Padgett, Potter, Raiser, Richardson, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, and Wilhite, of the House—52.

Those who voted for Mr. Taylor are —

Messrs. President, Barnes, Bell, Cooper, Deason, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Tuscaloosa, Stansel, Wilkinson, Woodard and Woodliff of the Senate; Messrs. Speaker, Bethea, Borden, Brandon, Callaway, Connelly, Cotten, Cox, Culver, Dobson, Gafford, Goldthwaite, Grant, Hardie, Humphrey, Lawrence, Leeper, Mabry, Meadors, Moore of Coffee, Moore of Perry, Odum, Pierce, Waller, and Worthy of the House—40.

Neither of the candidates having received a majority of all the votes cast, the two Houses in joint convention proceeded to vote the second time.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Moren, Norwood, Sykes, and Winston, of the Senate: Messrs. Ash, Ashford,

Bankhead, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Dobson, Ellis, Freeman, Gibson, Goodwin, Hand, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, Morse, Palmer, Padgett, Potter, Raisler, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, and Wilhite, of the House—55.

Those who voted for Mr. Taylor are—

Messrs. President, Barnes, Bell, Cooper, Deason, Felder, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Tuscaloosa, Stansel, Wilkinson, Wood, and Woodliff, of the Senate; Messrs. Speaker, Bethea, Borden, Callaway, Connelly, Cotten, Cox, Culver, Davis of Barbour, Doster, Gafford, Goldthwaite, Grant, Hardie, Humphrey, Lawrence, Leeper, Mabry, McCain, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odam, Oliver, Pierce, Pipkin, Reese, Robinson of Baldwin, Waller, Whitfield, Williams of Randolph, and Worthy, of the House—51.

Those who voted for Mr. Cloud are—

Messrs. Castens, Powell of Macon, and Slaughter of the Senate; Messrs. Clark of Mobile, Frazer, Judkins, Lanier, and McCoy, of Russell, of the House—8.

Neither of the candidates having received a majority of the whole vote cast,

Mr. Cloud's name was withdrawn.

The convention then proceeded to vote a third time.

Those who voted for Mr. Ryan are—

Messrs. Ashley, Castens, Drake, Edwards, Forney, Jackson of Lauderdale, Jackson of Morgan, Jones, Lindsay, Moren, Norwood, Sykes, and Winston, of the Senate; Messrs. Ash, Ashford, Bankhead, Bourland, Brandon, Bush, Chapman, Clark of Mobile, Cobb, Dobson, Ellis, Frazer, Freeman, Gibson, Goodwin, Hand, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, Moore of Perry, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, Williams of Randolph, and Wilhite, of the House—59.

Those who voted for Mr. Taylor are—

Messrs. President, Barnes, Bell, Cooper, Deason, Felder, Foster, Gage, Garrett, Huckabee, Kilpatrick, Montgomery, Powell of Macon, Powell of Tuscaloosa, Stansel, Wilkinson, Wood and Woodliff, of the Senate; Messrs. Speaker, Bethea, Borden, Callaway, Connelly, Culver, Davis of Barbour, Doster, Gafford,

Goldthwaite, Grant, Hardie, Humphrey, Judkins, Lanier, Lawrence, Leeper, Mabry, McCain, McCoy of Russell, McLester, McMillan, Meadors, Moore of Coffee, Odum, Pierce, Pipkin, Reese, Robinson of Baldwin, Sturdivant, Waller, Whitfield and Worthy, of the House—51.

Mr. Ryan having received a majority of all the votes cast, he was declared by the Speaker to be duly and constitutionally elected State Superintendent of Education for the term prescribed by law.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has amended the House substitute for the Senate bill—

Concerning vagrants and vagrancy ;

By striking out the word “excesses,” in the first section, and inserting the word “escapes,” and, as amended, concurs in the same.

The Senate has originated and passed the following bills :

For the relief of P. H. Brittan, late Secretary of State ;

To incorporate the Alabama Iron Mining, Manufacturing and Transportation Company ;

To authorize the Commissioners of Revenue of Mobile county to receive certain funds from the Banks of Mobile, and to apply the same to county purposes ;

To extend the criminal laws in this State applicable to free persons of color, to freedmen, free negroes and mulattoes.

The Senate refuses to concur in the House amendment to the Senate bill—

To provide for the issue of State bonds.

M. TAUL, Secretary.

The Senate bills—

For the relief of P. H. Brittan, late Secretary of State ;

To extend the criminal laws in this State applicable to free persons of color to freedmen, free negroes and mulattoes ;

Were read severally the 1st, 2d and 3d times, and passed under a suspension of the constitutional rule.

On motion of Mr. Bethea—

The House concurred in the Senate amendment to the House substitute for the Senate bill—

Concerning vagrants and vagrancy.

On motion of Mr. Whitfield—

The House receded from its amendments to the Senate bill—  
To provide for the issue of State bonds.

The Senate bill—

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556, of the Code of Alabama, which took away that right ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Callaway moved to amend by proviso at the end of the bill, as follows :

*Provided*, That nothing herein contained shall be construed to apply to any debt or claim contracted prior to the passage of this bill.

On motion of Mr. Cox the amendment was laid on the table.

Message from the Governor, by his Private Secretary, Mr. Taylor :

*Mr. Speaker :*

His Excellency the Governor of Alabama has approved the following acts, which originated in the House of Representatives :

An act to authorize the Governor to exercise the pardoning power before conviction.

An act to obtain and preserve records of Alabama soldiers.

On motion of Mr. Williams, of Jackson, the House adjourned till half-past three o'clock, this afternoon.

#### AFTERNOON SESSION, 3½ o'clock.

House met pursuant to adjournment.

On motion of Mr. Gibson, the special orders were suspended to permit him to offer a resolution ;

Which was adopted, as follows :

*Resolved*, That the committee on Ways and Means be instructed to enquire and ascertain what arrangements, if any, have been made to carry out the provisions of the act approved February, 24th, 1860, entitled "An act to secure to the State of Alabama the benefits of the act of Congress of September 28th, 1850, by which all the swamps and overflowed lands within her limits, unsold at the passage of said act, were granted to her upon certain conditions therein mentioned," and if further legislation be necessary to carry out the objects of said act, and secure to the State of Alabama, the benefits of said swamp and overflowed lands ; and to report by bill, or otherwise.



On motion of Mr. Cox, the Senate bill,

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code of Alabama, which took away that right,

Was referred to the Judiciary committee.

Mr. Clark of Lawrence, by leave, presented two petitions,

Which were referred to the committee on Accounts and Claims.

The Senate bill,

To authorize the Commissioners of Revenue of Mobile county to receive certain funds from the Banks of Mobile, and to apply the same to county purposes,

Was read the first and second time, under a suspension of the constitutional rule.

Mr. Clark of Mobile, moved to amend by striking out the words, "Commissioners of Revenue," wherever they occur, and inserting the words "Court of County Commissioners."

Adopted.

The bill was then read the third time, under a further suspension of the constitutional rule, and passed.

The Senate bill—

To punish malpractices by servants and employees of incorporated companies;

Was read the first and second times under a suspension of the constitutional rule.

Mr. Cox moved to postpone till the 15th day of January next.

Lost.

Mr. Cox moved to postpone till to-morrow morning 10 o'clock.

Lost.

On motion of Mr. Cox, it was referred to the Judiciary committee.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following to be correctly enrolled :

To repeal an act in relation to the appointment of the appor-tioners and overseers of public roads, &c.;

Joint resolution authorizing the printing of all laws relative to freedmen ;

The more effectually to prevent the offenses of grand larceny, arson and burglary ;

For the relief of the widow and heirs at law of the late Dr. Henry McKenzie, of Talladega county ;

Authorizing the issuance of executions on certain judgments without a revival of such judgments ;

To remove the jurisdiction of the estate of Benjamin Gibson,

deceased, from the county of Tallapoosa, to the county of Macon ;

For the relief of Francis E. Hooks, as administratrix of the estate of T. J. Hooks, deceased, of Pike county ;

To incorporate the town of Richmond, in Dallas county ;

Joint resolutions and memorial of the General Assembly of the State of Alabama, to the President of the United States ;

To amend an act incorporating the Prattville Male and Female Academy, in the county of Autauga ;

To authorize the Governor to furnish copies of the last returns of the assessment of taxes to the probate judges of the several counties in which the county records have been destroyed.

To prevent persons from purchasing or receiving stolen goods ;

Ratifying and confirming the election of members to Congress from this State, held on the 6th day of November, 1865.

Mr. Cobb presented a petition, which was referred to the Judiciary Committee, with instructions to report by bill or otherwise.

On motion of Mr. Morse, the House adjourned till to-morrow morning, ten o'clock.

FRIDAY, December 15, 1865.

The House met pursuant to adjournment.

The journal of the 12th instant was read and approved.

On motion of Mr. Bethea, the rules were suspended to enable him to offer the following

Joint resolution to provide for the payment of clerks to committees of the House of Representatives ;

Which was read the first, second and third times, and adopted, under a suspension of the constitutional rule ;

And ordered forthwith to the Senate.

Mr. Walker moved that the Committee on Ways and Means be instructed to report what action had been taken by the Committee on the bill,

To aid agriculture in the State of Alabama.

Mr. Whitfield, from that committee, reported that it had not had sufficient time to consider the bill.

The report was received, and the bill left with the committee for future consideration.

The special order, being the consideration of the bill—

To incorporate the Union Express Company ;

Mr. Worthy, by unanimous consent withdrew his amendment to the amendment offered by Mr. Cooper.

Mr. Whitfield moved to lay Mr. Cooper's amendment on the table.

Adopted.

The bill was then read the third time and passed.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills :

To renew the charter of the town of Courtland, Lawrence county, approved Dec. 13, 1819.

To authorize the commissioners' court of St. Clair county to divide said county into four commissioners' districts.

Making an appropriation for necessary fuel, lights, stationery and servant's hire, &c.

To authorize the Judge of the 1st Judicial Circuit to hold a special term of the Circuit Court for Dallas county.

For securing taxes from transient dealers.

Empowering the city council of Selma to levy a special tax.

To give the Probate Court of Dallas county jurisdiction of the estate of Joel Riggs, deceased.

To authorize the commissioners' courts of Dallas and Monroe counties to borrow money.

To authorize the court of county commissioners of Washington county to issue bonds or notes, to rebuild bridges and repair public buildings in said county.

To incorporate the city of Demopolis.

Relating to the administration of the estate of Wm. McDowell, deceased.

To amend an act, amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company.

To incorporate the Southern Rock Oil Company.

To incorporate the Mobile Trade Company.

To incorporate the town of Mount Andrew, in Barbour county.

To amend an act entitled an act to incorporate the town of Livingston, the county site of Sumter county, approved January 10, 1835.

To amend an act to incorporate the City Savings Association of Mobile.

For the relief of James W. Ligon, late jailor of Franklin county.

For the relief of the chartered insurance companies of Mobile.

For the relief of John Y. Austin, administrator of the estate of John H. Faires, deceased.

To re-enact the laws incorporating the town of Oxford, in Calhoun county, and to give the corporate authorities of said town additional powers.

To establish the time of holding the regular meeting of the General Assembly of the State of Alabama.

And has originated and passed the following bills :

To compensate John A. Graham, late Auditor of the Treasury.

To carry out the provisions of an act entitled an act, in reference to school lands, belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana.

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

To regulate proceedings before justices of the peace, in cases of misdemeanor, cognizable before them.

To amend the charter of the South Alabama Manufacturing Company.

To authorize justices of the peace to take cognizance of and try cases of misdemeanor.

To continue the office of Commissioner and Trustee for closing any remaining unsettled business of the State Bank and Branches, and to provide for the payment of the foreign debt of the State.

To prevent freedmen and other persons from owning firearms, and carrying concealed weapons.

M. TAUL, Secretary.

The Senate bills—

To prevent freedmen and other persons from owning firearms, and carrying concealed weapons ;

To provide for taking and approving the bonds of the judges of the Probate Courts ;

To punish assaults with intent to murder, rob, &c., with death ;

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color, and for other purposes ;

To amend section 3107 of the Code, so as to make the penalty conditional with the jury ;

Were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.

The Senate bills—

To incorporate the Alabama College of Physicians and Surgeons, and the Charity Hospital of Montgomery ;

To incorporate the Alabama Immigration, White Labor and Real Estate Agency Company ;

Were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Message from the Senate by Mr. Taul :

*Mr. Speaker :*

The Senate has adopted the House joint resolution—

To provide for the payment of clerks to committees of the House of Representatives. M. TAUL, Secretary.

The House bill—

Requiring the taking of the census of the State of Alabama for the year 1866 ;

In reference to indictable offenses, committed in the State of Alabama ;

Were read the second time, and referred to the Committee on Judiciary.

House joint resolutions on adjournment from Montgomery ;

Were read a second time, and—

On motion of Mr. Cox, were laid on the table.

The resolution of Mr. Thorn to alter the rules of the House relative to the time of meeting and adjourning, was taken up, and—

On motion of Mr. Cox, was laid on the table.

The Senate bills—

For the relief of Thos. Carter, Sheriff of Clark county ;

To repeal an act to increase the fees of certain officers in Clark county, approved December 13th, 1864 ;

To repeal an act authorizing the election of Marshal of the city of Tuscaloosa, by the qualified electors of said city, approved February 5th, 1840 ;

To fix the price of the reports of the Supreme Court ;

Were severally read the second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Richardson, the rules were suspended to allow him to introduce a bill—

For the relief of Mace H. Gilbert, Tax Assessor of Limestone county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To repeal in part an act to incorporate the Girard Rail Road Company, approved January 21st, 1865 ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Worthy moved to amend as follows, which was adopted :

“Provided, further, that nothing herein contained shall prevent any future legislation of this State from repealing, altering or amending this act so as to reduce the rates of mileage and transportation on said road ;”

The bill was then read the third time, under a further suspension of the constitutional rule, and passed.

The Senate bill—

To alter and amend an act to incorporate Girard Rail Road Company, approved January 30th, 1854 ;

Was read the first and second times, under a suspension of the constitutional rule ;

Mr. Worthy moved to amend by inserting between the words “Union Springs” and “Alabama”, the words “and Troy”, in the 9th line of the second section.

Adopted.

The bill was then read the third time, under a further suspension of the constitutional rule, and passed.

The Senate bills,

To compensate John A. Graham, late Auditor of the Treasury ;

To authorize Justices of the peace to take cognizance of and try cases of misdemeanor ;

To authorize the commissioners’ court of Talladega county to issue bonds to build a county jail ;

To regulate proceedings before justices of the peace, in cases of misdemeanor cognizable before them ;

To incorporate the Tennessee river and North Alabama Mining and Manufacturing Company ;

To authorize Catharine B. Winston, administratrix on the estate of Isaac Winston, deceased, late of Franklin county, to sell certain property.

To authorize the substitution of lost records of judgments and decrees of court, and other records ;

To amend an act to incorporate the Grand Commandery of Knights Templar and the appendant orders, of the State of Alabama, approved, December 9th, 1861 ;

To incorporate the Alabama Iron, Mining, Manufacturing and Transportation company ;

To authorize notaries public to administer affidavits without seal ;

To repeal an act to prevent the sale of vinous and spirituous liquors in the town of New Lexington, and in beat No. 2, west of North river, in Tuscaloosa county;

To incorporate the Southern Travelers' Insurance Company;

To renew and extend the time for the payment of certain State bonds therein named;

To amend Section 1747 of the code;

To empower the probate court of Madison county to grant letters of administration upon the estate of John Garrett;

To legalize the act of the probate court of Clarke county appointing R. H. Northrop, administrator on the estate of John Dortch, deceased, and to transfer said administration to Wilcox county;

To authorize Minerva Carrol, administratrix of the estate of Thomas Hennisee, to remove the administration of said estate to the county of Tuscaloosa;

For the relief of the Opelika and Tuscumbia Railroad Company;

For the relief of David Downey, of Jefferson county;

To authorize the payment of the turnkey fees of jailors in this State;

To authorize the taking of depositions in criminal cases;

To amend section 1902 of the code of Alabama;

To authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same;

To amend an act entitled an act to incorporate the Dayton Female Academy in the town of Dayton in Marengo county;

For the relief of Moses Newman, of DeKalb county, requiring the Governor to cause a patent to be issued;

To incorporate the Moore's Bridge Turnpike Company, in the county of Tuscaloosa;

To incorporate the Tennessee Valley Oil and Mining Company;

To give the probate court of Marengo county jurisdiction of the estate of L. R. Terrell, deceased, late of Perry county;

To amend section 1276 of the code;

To punish the offering of bribes to commit offences;

To amend section 3178 of the code;

For the relief of W. B. & A. R. Bell & Co.;

To incorporate the Travelers' Insurance Company of Alabama;

To carry out the provisions of an act entitled an act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana;

To amend the charter of the South Alabama Manufacturing Company ;

To continue the office of commissioner and trustee to settle any remaining unsettled business of the State Bank and Branches ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act relating to the administration of the estate of Wm. McDowell, deceased ;

An act making appropriation for necessary fuel, lights, stationery, and servants' hire, &c.;

An act to amend the charter of the Selma and Meridian Railroad Company;

Memorial and joint resolutions to the President of the United States, in relation to the withdrawal of the Federal troops from the State of Alabama;

An act to regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes;

An act to give a lien on the crop and stock for advances to assist in making the crop;

An act for the relief of James W. Ligon, late jailor of Franklin county;

An act to amend an act amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company;

An act for securing taxes from transient dealers;

Joint resolutions to provide for the payment of clerks of committees of the House of Representatives;

An act to authorize the Judge of the First Judicial Circuit to hold a special term of the Circuit Court for Dallas county;

An act to incorporate the town of Mt. Andrew, in Barbour county;

An act to amend an act entitled an act to incorporate the town of Livingston, the county site of Sumter county, approved January 10, 1865;

An act to incorporate the Mobile Trade Company;

An act to authorize the commissioners courts of Dallas and Monroe counties to borrow money;

An act empowering the City Council of Selma to levy a specific tax;

An act to establish the time of holding the regular annual meeting of the General Assembly of the State of Alabama;

Message from His Excellency the Governor, by Mr. Dixon :



*Mr. Speaker :*

His Excellency the Governor has approved the following bills, which originated in the House of Representatives, entitled as follows :

An act to incorporate the Citizens Mutual Insurance Company of Mobile;

An act to repeal an act to reduce the fees of the county surveyor of DeKalb county;

An act declaring Hulda Clayton a free dealer;

An act to incorporate the town of Richmond, in Dallas county;

An act to authorize the issue of execution in certain judgments, without a revival of such judgments;

An act to authorize the Governor to furnish copies of the last returns of the assessment of taxes to the Probate Judges of the several counties, in which the county records have been destroyed;

An act to remove the administration of the estate of Benjamin Gibson, deceased, from the county of Tallapoosa to the county of Macon;

An act for the relief of the widow and heirs at law of the late Dr. Henry McKenzie, of Talladega county;

An act the more effectually to prevent the offenses of grand larceny, arson and burglary;

An act to repeal an act entitled an act in relation to the appointment of apportioners and overseers of public roads, &c.;

An act to prevent persons from purchasing and receiving stolen goods;

An act ratifying and confirming the election of members to Congress from this State, held on the 6th day of November, 1865;

Memorial and joint resolution of the General Assembly of the State of Alabama to the President of the United States;

An act to increase the fees of jailors in the State of Alabama;

An act for the relief of Frances E. Hooks, as administratrix of T. J. Hooks, deceased, of Pike county;

An act to amend an act incorporating the Prattville Male and Female Academy, in the county of Autauga;

Joint resolution authorizing the printing of all the laws relating to freedmen;

An act to incorporate the Mobile Trade Company.

An act making an appropriation for necessary fuel, lights, stationary, servants' hire, &c.;

An act to authorize the Judge of the 1st Judicial Circuit to hold a special term of the circuit court for Dallas county;

An act for the relief of James W. Ligon, late jailor of Franklin county ;

Joint resolutions to provide for the payment of clerks to committees of the House of Representatives.

D. L. DALTON, Private Secretary.

On motion of Mr. Bethea,

A special committee of three was appointed to wait on the Governor, and ascertain if he has any further communication to lay before the House.

Messrs Bethea, Whitfield and Mabry were appointed said committee.

On motion of Mr. Bethea, the House adjourned until three o'clock p. m.

AFTERNOON SESSION—3 o'clock p. m.

Mr. Gibson offered the following resolution ;

Which was adopted :

*Resolved*, That the thanks of this House are due and are hereby tendered to the Hon. Speaker and officers of this House for the courteous and able manner with which they have discharged the arduous duties of their respective offices.

Mr. Speaker Cooper responded to the resolution in an appropriate manner, and then declared the House of Representatives adjourned till the 15th of January, 1866.

---

MONDAY, January 15, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hand.

Mr. Faulk, member elect from Barbour, appeared within the Hall of the House, and was qualified.

The journal of the 13th and 14th ultimo, was read and approved.

The journal of the 15th ultimo, was read, corrected and approved.

Mr. Tompkins offered the following resolution ;

Which lies over one day under the rule :

*Resolved*, That the House of Representatives meet daily during the present session at 9 a. m., and that no motion to adjourn before 2 p. m., of each day, will be entertained, unless supported by a vote of two-thirds of the House.

## CALL OF THE COUNTIES.

Bills were introduced by

Mr. Doster,

To repeal an act to change the time of taking up the State Docket ;

Mr. Gafford,

To render valid the acts of the intendant of Greenville ;

Mr. Bourland,

To regulate the time of holding the Circuit Court in the fourth Judicial Circuit ;

Mr. Echols,

For the relief of Eleanor Stanton ;

Mr. Judkins,

To authorize John Shackelford, of Macon county, to keep a public Ferry across Line Creek ;

Mr. Tompkins,

To give to the Probate Court of Mobile county jurisdiction over the estate of Robert A. Baker, deceased ;

Mr. McCoy of Russell,

For the relief of Wm. B. Calhoun of Russell county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Doster,

To prescribe the proof under indictment containing assessments as to money ;

Mr. Meadors,

To make it the duty of the clerks of the Circuit Court in the different counties to record all deeds and mortgages, and to issue all licenses ;

Mr. Raisler,

Relating to the burnt and destroyed records and papers of Limestone county ;

Mr. Worthy,

To provide for the keeping, distribution and exchange of the Supreme Court Reports ;

Mr. McCoy of Russell,

To regulate the pay of clerks of Circuit Courts and Sheriffs, in criminal cases ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. Doster,

Joint resolutions to invite immigration ;

Which were read the first and second times, under a sus-

pension of the constitutional rule, and referred to a select committee to be appointed by the Speaker.

Mr. Gibson,

For the relief of C. A. Burns, late tax assessor of Blount county;

Mr. Hare,

For the relief of Edward H. Ustick, Jailor of Sumter county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Gibson, to amend an act entitled "an act to provide for the reorganization of the State Penitentiary," approved December 9, 1862 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Penitentiary and State Capitol.

Mr. Cooper, to incorporate the Georgia and Alabama Coal, Oil and Manufacturing Company.

Mr. Mabry, to incorporate the Pioneer Petroleum Company.

Mr. Humphrey, to incorporate the North Alabama Oil and Mining Company ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations. ,

Mr. Smith, of Choctaw, for the relief of Jane L. Rice, of Choctaw county.

Mr. Hare, for the relief of the tax assessor of Sumter county;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Mabry, to amend the charter of the Alabama and Tennessee River Rail Road Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Lanier presented a petition from a large number of destitute women of Greene, Tuscaloosa and Pickens counties ;

Which was read and referred to the Committee on Destitution and Supply.

On motion of Mr. Bethea, the call of the counties was suspended, to enable him to offer the following resolution, which was adopted :

*Resolved*, That the Committee of Ways and Means be instructed to inquire into and report to this House what debts

have been contracted by the State since the 11th day of January, 1861, not for war purposes, either directly or indirectly, and report a bill making provisions for the payment of such debts, or for liquidation of the same; and that said committee be authorized to send for persons and papers to enable them to come to a correct conclusion as to the character of such debts not contracted for war purposes, either directly or indirectly.

On motion of Mr. Bethea, the House adjourned till ten o'clock to-morrow.

---

TUESDAY, January 16, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

The Journal of yesterday was read and approved.

CALL OF THE COUNTIES.

Bills were introduced—

By Mr. Pipkin, to repeal an act entitled an act to increase fees in criminal cases;

By Mr. Ellis, for the protection of executors, administrators, guardians, trustees, agents, and attorneys.

By Mr. Meadors, for the relief of Bryant Parker and his successors;

By Mr. Smith, of Choctaw, to amend section 3721 of the Code of Alabama;

By Mr. Pierce, for the relief of Executors, Administrators, and Trustees of insolvent estates;

By Mr. Pierce, to amend section 711 of the Code of Alabama, so as to give Justices of the Peace jurisdiction over amounts not exceeding one hundred dollars;

By Mr. Richardson, to provide for the rendition of orders, decrees and settlements, and other proceedings in the Probate Court in cases where the Probate Judge is incompetent to preside;

By Mr. Sheffield, to give to the orders, judgments and decrees of Probate Court, hereafter rendered, when collaterally assailed, the effect of orders, decrees and judgments of a court of general jurisdiction;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Smith, of Choctaw, to incorporate the Trustees of Choctaw County Male and Female Seminary ;

By Mr. Reese, to authorize the Clerk of the Court of Selma to draw books and stationary ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Mabry, to incorporate the Alabama Petroleum and Lamp Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations ;

By Mr. Goodwin, to increase the salaries of Chancellors and Circuit Judges ;

Which was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed.

By Mr. Vansandt, to authorize the Court of County Commissioners of the county of Coosa, to issue county bonds for the building of Public Bridges in said county ;

Which was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Echols moved to amend by engrossed ryder, as follows :

*Sec. 5. Be it further enacted,* That the provisions of this act shall apply to the counties of Macon and Lowndes, and the authority above given to the Probate Judge and court of county commissioners of Coosa county, is hereby extended to the Probate judges and courts of county commissioners of the counties of Macon and Lowndes.

The engrossed ryder was read the first, second and third times, under a suspension of the constitutional rule, and adopted ;

And the bill, as amended, passed, the title being changed to correspond with the amendment.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To repeal section 15 of an act to incorporate the town of Union Springs, in Macon county, approved February 6th, 1858 ;

To authorize the court of county commissioners of the several counties in this State to contract for the hauling of supplies furnished by the Federal Government to indigent families.

MICAH TAUL, Secretary.

On motion of Mr. Connelly, the call of the counties was suspended to take up the Senate bill—

To authorize the court of county commissioners of the several counties in this State to contract for the hauling of supplies furnished by the Federal Government to indigent families ;

Which bill was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Echols moved to reconsider the vote by which the bill was ordered to a third reading. Lost.

The bill was passed.

#### SPECIAL ORDERS.

The special order being the bill—

To incorporate the American Industrial Agency ;

On motion of Mr. Pierce—

It was made the special order for Tuesday, the 23d instant at 12 o'clock, m.

And the Senate bill—

To provide for the payment of the interest on State bonds and to provide for the issue of State bonds to aid such payment,

Being also a special order, it was referred to the Committee on Ways and Means.

#### GENERAL ORDERS,

Being the resolution of Mr. Tompkins, relative to the daily sessions of the House,

Mr. Cooper, (Mr. Gibson in the chair,) moved to amend by striking out "nine" and "two," and inserting "half-past nine" and "half-past two."

Mr. Pierce moved to amend by substituting 9 a. m., and 3 p. m.

Mr. Worthy moved to lay the resolution and proposed amendments on the table.

Adopted.

Message from the Governor, by Mr. Dalton, his Private Secretary :

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Jan. 15, 1866. }

*Gentlemen of the Senate and House of Representatives :*

You assemble under circumstances far more favorable than

those which surrounded us at the time of your last meeting. Our State then occupied an anomalous position. The Chief Executive authority was exercised by a Provisional Governor, held his office by appointment from the President of the United States. The earnest recommendations contained in the message which was submitted to you by the Provisional Governor, showed the great interest which that officer felt for such legislative action as would result in the restoration of Alabama to her proper position as a member of the Federal Union.

There were two important questions bearing directly, and with peculiar force, upon our relations with the General Government. One was the ratification of the proposed anti-slavery amendment to the Constitution of the United States; and the other had reference to the protection of the persons and property of the colored population. The Legislature took action on both of these questions. The constitutional amendment was duly ratified—Alabama being the twenty-seventh State assenting thereto—that being the requisite number of States to give it validity. By your action, therefore, this amendment became a part of the Constitution of the United States. The Legislature also made effective provision for securing protection to the persons and property of freedmen. This action, on your part, gave practical legal evidence of the sincerity and good faith with which our people accept the legitimate results of the war.

The action of the Legislature on these prominent questions was duly communicated to the authorities at Washington, as evidence of our purpose to conform to all the just requirements of the times. The responses received from the Federal Capital show that your labors were not only properly appreciated, but fully approved.

On the 18th of December, 1865, I received a telegram from the Secretary of State of the United States, in which I was informed that “a communication had been addressed to His Excellency, Lewis E. Parsons, late Provisional Governor of Alabama, directing him to deliver the papers and property in his custody into the possession of the constitutional authorities elected by the people.” With this dispatch was transmitted a copy of the communication addressed to Provisional Governor Parsons. The Secretary of State closed his dispatch to me by tendering “the co-operation of the Government of the United States, wherever it might be necessary in effecting the early restoration, and the permanent prosperity and welfare of the State.”

In pursuance to instructions received, Provisional Governor Parsons, gave notice that he would deliver a valedictory address



in the Hall of the House of Representative, on the 20th of December. Accordingly, at the time and place designated, before a concourse of citizens, and many State and Federal officers, he read a proclamation in which he announced that the papers and property of the State in his custody, were placed in my possession, and that he formally relinquished the duties and position of Provisional Governor. Copies of the telegrams above alluded to, and of Gov. Parsons' proclamation, are herewith transmitted.

This withdrawal of Federal restraints from our State affairs is cause for sincere congratulation. The remission of Alabama to her position of self-control, was of course, the result of a conviction on the part of the Federal authorities that we would so manage our domestic affairs as not to disturb, but rather to conserve and strengthen the National harmony. We should be careful to justify, by our action, the high confidence which is thus reposed in us.

#### THE STATE DEBT.

The bonded debt of the State amounts to three millions, four hundred and forty-five thousand dollars (\$3,445,000.) Of this amount, two millions one hundred and nine thousand dollars, (\$2,109,000) is payable in the city of New York, the interest upon which, at five per cent., is payable semi-annually on the first of May and first of November. The annual interest on these bonds is one hundred and five thousand four hundred and fifty dollars (\$105,450.) The last interest paid in New York included the dividend due on the first of November, 1861. The accumulated interest from that time to the first of November, 1865, is four hundred and twenty-one thousand eight hundred dollars (\$421,800.) Of this amount there has been paid to the bank of Mobile the sum of fifty-three thousand four hundred dollars, (\$53,400.) This leaves a balance due and unpaid of three hundred and sixty-eight thousand four hundred dollars (\$368,400.) Our remaining bonded indebtedness—one million three hundred and thirty-six thousand dollars—(\$1,336,000) is payable in London. Six hundred and forty-eight thousand dollars (\$648,000) of this sum bears interest at the rate of five per cent. per annum. The remaining amount—six hundred and eighty-eight thousand dollars (\$688,000) bears interest at both of these classes of bonds,—amounting, in the aggregate to seventy-three thousand, six hundred and eighty dollars (\$73,680) per annum, is payable semi-annually, on the 1st of January and 1st of July. Payment of this interest has been made

up to the 1st of January, 1865, and hence there is now just one year's interest due. By adding the unpaid interest due respectively at New York and London, we find an aggregate of four hundred and forty-two thousand and eighty dollars, (\$442,080) as the amount now to be met.

Special provision should be made for the payment of this accumulated interest at as early a day as practicable. This is not only demanded by a principle which is just in itself, but it would incidentally tend to restore the credit of State, and greatly strengthen the inducements for advantageous loans upon the bonds now authorized by law.

Our bondholders in London have made a formal proposition to receive payment for the interest now due, and the dividends up to the 1st of January, 1867, in State bonds bearing the same rate of interest as those they now hold. This, under all the circumstances, is a liberal proposition, and I think it ought to be acceded to. I have no doubt that similar terms would be accepted by our New York creditors. I therefore recommend that authority be given to issue bonds, in addition to those already provided for, to an amount sufficient to pay our present arrears of interest, together with that which will accrue up to the first of January, 1867. We may reasonably hope that by that time our State finances will be in a condition which will enable us to resume the regular semi-annual payment of our interest liabilities.

#### STAY LAW.

The industrial and business interests of the people are so much deranged that I think some legislation is necessary in relation to the collection of debts. Many industrious and energetic people are now unable to meet their liabilities. A vast amount of property has been lost by the war, and that which is left should be secured, for a limited time, at least, and with reasonable conditions, against execution and sale for debt. It is true that the stringency of the times is keenly felt by creditors, and they stand in great need of what is due them. But in the present depressed condition of things, enforced payments would operate very oppressively, if not ruinously upon the larger portion of debtors.

I am fully aware that this is a question of much delicacy. It involves a careful inquiry into the circumstances and conditions of debtors, and the just demands of creditors. The extraordinary pressure of the times clearly calls for some indulgence to those who are in debt; but surely it will not be con-

tended that the persons to whom those debts are due are responsible, either in law or in fact for this peculiar pressure. Therefore, while securing immunity for the one class against onerous coercion, care should be taken not to deal too harshly with the reasonable requirements of the other.

In fixing restrictions upon suits for debt, I think that creditors should be allowed full opportunities for collecting the interest upon their claims. This is a matter of simple justice, and no reasonable debtor would complain of it. Indeed, a law that would so operate as to necessarily augment a debt by the accumulation of interest would be ultimately a disadvantage to the debtor. The creditor therefore should be allowed legal process for obtaining his interest; and it might be advisable to extend his privilege to a certain per centum of the principal. A law, for instance, which would allow the collection of interest, and twenty-five or thirty-three per centum of the principal annually, would be of material advantage to the creditor, and could not be reasonably presumed to subject the debtor to oppressive exactions. There must certainly be very few, if any persons who cannot pay annually one-third, or at least one-fourth, of their indebtedness.

Any law which grants relief to debtors is a favor which should not be taken advantage of. A law which, by providing for a stay of execution, postpones the day when the creditor had a right to expect payment, is legally and logically presumed to benefit the debtor and injure the creditor. In such a case it is nothing but right that the party who is presumed to suffer should have additional guarantees for the ultimate collection of his debt. I think therefore, that if a stay law be enacted, it should be provided that where a judgment is obtained, the judgment should operate as a lien upon the effects of the debtor, against future contingent claims.

#### THE BANKS.

The condition of the chartered banks in this State will require your attention. During the last four years, those banks were largely called upon by the State for coin and sterling. The calls were liberally responded to, and the banks received State bonds in payment therefor. Those bonds belong to that class of war indebtedness which has been declared void, and this brings peculiar embarrassment upon the banks.

In the year 1861, the banks suspended specie payments, and thus forfeited their charters. But the suspension was legalized by an Act approved December 9, 1861. The Act authorized a

continuance of the suspension until one year after the establishment of peace. Under the present peculiar circumstances I think that no forfeiture should be imposed upon the banks, but that they should be allowed every facility to continue their operations with a view of recovering from their crippled condition. The National banking law taxes these banks ten per cent. on their circulation. This is another reason why we should refrain from imposing additional burdens upon them.

#### EDUCATION.

The cause of education I have always regarded as of paramount importance. The means of acquiring an education should be placed within reach of all classes of our youth. In order to render our popular school system effective and useful, it is essential to have it so shaped as that it be uniform in its operations. In no other way can its benefits be extended to, and enjoyed by that class of indigent youth who stand in most need of them. We have not heretofore had that uniformity in the schools supported by the 16th section fund.

By the Act of Congress, approved March 2d, 1819, providing for the admission of Alabama into the Union, the 16th section in each township of the public lands, was donated for school purposes. The act distinctly provided that the proceeds of each section should be applied to the support of schools in the particular township wherein the section lay. The objects contemplated by the act of Congress were very liberal and praiseworthy. But the restrictions contained in the law leads to some embarrassment in the practical application of the fund created by it. Many of the most valuable sections are in townships inhabited mainly by persons of ample means to whom the public schools are comparatively unimportant, while many valueless sections are situated in townships which have, to a great extent, an indigent population. Herein we see illustrated an inequality which operates to the serious disadvantages of those who are specially intended to be benefitted by our public schools, and we may well inquire how this inequality can be remedied. It cannot be done by applying the funds raised in one township to the support of schools in another. This is prohibited by the law of Congress; and so rigidly has the Legislature adhered to the strict terms of the law, that it has heretofore declined to even blend or consolidate the 16th section fund, for the support of a uniform system of schools throughout the various townships of the State.

There is one mode by which the advantages of our school

system can be extended to children residing in townships containing valueless 16th sections; and that is to appropriate from the State Treasury a sum sufficient to maintain schools in townships where there is a deficiency in 16th section funds. In the present condition of our State finances the Treasury should be drawn upon as lightly as possible; but the demands of education are sufficiently strong, in my judgment, to justify the appropriation suggested.

The interest on the 16th section fund amounts annually to one hundred and two thousand, six hundred dollars, and fifty cents, (\$102,600 50.) By the Act of Congress, the State, as trustee, is bound to pay over to the several townships the interest on the various sums arising from the sales of their respective sections. This should, by all means be done. Then, with an appropriation for the benefit of townships having valueless 16th sections, our popular educational system may not only be continued, but its efficiency and usefulness greatly increased.

#### THE UNIVERSITY.

Towards the close of the war the University of Alabama sustained a most serious loss. The University building was destroyed, and with it was lost the library and all the scientific apparatus. The trustees are of opinion that with a loan of \$70,000 by the State, those losses may be repaired by 1870; the annual interest on the University fund being pledged for the payment. Should the loan be authorized, it would perhaps be drawn upon in small sums and at such intervals as would not seriously embarrass the treasury.

The University fund amounts to three hundred thousand dollars, and is held in trust by the State. It is an endowment fund, and the principal cannot be used for the purposes proposed by the loan. There is no duty resting upon the State of Alabama of more importance than the building up of the University of the State, and thus providing for the benefits of the diffusion of intelligence, enlightenment and good morals among its people. For these reasons, I recommend that the advance be made, as the State holds in its own hands a perfect security against loss.

#### THE PENITENTIARY.

Your attention is respectfully called to the present condition of the State Penitentiary. From a report of the Warden

and Inspectors, it appears that there are now fifty-one convicts in that establishment. Of these, eight are white males, thirty-seven colored males, and six colored females. Among the whites there is not a single mechanic, and the colored prisoners have all been common field laborers. There is very little employment for such persons in the Penitentiary, and hence the institution, just at this time, is a heavy expense to the State.

The Penitentiary should, if possible, be self-sustaining. But it is evident that this cannot be done without some modification of the labor system in reference to such offenders as are now confined there. No material change, however, can be made in the mode of labor by convicts without additional legislation. Civil law being restored, we may reasonably anticipate that the administration of justice will increase the number of convicts; and this adds to the necessity of making such provision as will render this labor available for the support of the prison.

The officers, in their report, make some important suggestions on this subject. They recommend, as the best thing that could be done, that the prison be turned into a cotton or wool-cen factory. This would involve an expenditure of twenty-five or thirty thousand dollars for machinery, etc.; but the profits of the factory would, perhaps, justify the outlay. Again, it is suggested, that the Warden be authorized to hire such convicts as cannot be profitably employed in the prison, to perform labor outside, under such guards and restraints as will not soften or mitigate the punishment designed to be inflicted on offenders. It is believed that outside of the prison, and in its immediate vicinity, or at points easily accessible, there is a demand for much labor which could be advantageously performed by such convicts as are now confined. The Penitentiary may thus be made, not only self-supporting, but the labor of convicts may be so directed as to aid in developing the mineral and other resources of the State.

#### RELIEF FOR THE DESTITUTE.

The General Government is furnished most generous assistance to our suffering population. For the liberal relief extended to helpless and destitute families in our State, we are greatly indebted to the patriotic and benevolent exertions of Major General Swayne, an able and efficient agent of the United States Government. That officer has provided for furnishing twenty thousand rations per day for the present month. Thirteen thousand five hundred of these are being now distributed throughout the State, as clear proof of suffering shall dictate,

the balance being accumulated at Mobile, for Central and Southern, and at Huntsville, for North Alabama. This amount has been sufficient to meet all calls made from accessible points, and which have been supported by satisfactory proof. In the work of distributing these supplies, Gen. Swayne is being ably and efficiently assisted by Marcus H. Cruikshank, the State Commissioner, appointed under the law passed at your last session. Mr. Cruikshank is actively co-operating with Gen. Swayne in establishing depots at prominent points throughout the State, and arranging for the distribution of supplies, so that relief may be extended, as far as practicable, to every suffering locality.

#### MILITARY ORGANIZATION.

We have many inducements for an efficient military organization in the State. There is much lawlessness in the State, and in some instances it exhibits itself in a manner which defies the authority of the civil peace officers. In some localities, bad men are regularly banded together for purposes of violence and plunder. Frequent complaints are made of depredations by such bands. A few days ago, a body of armed guerrillas, numbering about fifty, attacked a steamboat near McIntosh's bluff, on the Tombigbee river; overpowered the crew and passengers, took possession of the boat, and carried it off. Had there been a local military organization anywhere near the scene of this outrage, it would probably not have been attempted; or if it had, the perpetrators would doubtless have been immediately arrested and brought to punishment. But in the absence of such organization the Federal military was the only power to rely upon for their capture; and there was no force nearer than Mobile. As soon as intelligence of the robbery reached the Commandant at that point, he sent a force in pursuit of the offenders. The boat, with its valuable cargo, has been recovered; and it is hoped that the outlaws will finally be captured.

This is but one of the many instances which might be adduced of the necessity for efficient military organization. There has, however, been one fatal difficulty in the way of perfecting local organizations for the maintenance of peace and order, and that was the want of arms and ammunition. I, therefore, made official application to Major-General Thomas, commanding this military department, for arms and ammunition for one hundred and four companies, of sixty men each. So urgent did I regard the necessity of the case, that I visited Gen. Thomas at his

headquarters in the city of Nashville, Tennessee. He fully approved the plan, and has recommended to the authorities at Washington, that the arms and ammunition be furnished. The requisite number of arms is now in the State, and I have no doubt but what the proper orders will shortly be issued to have them turned over as requested. The number of arms asked for is six thousand two hundred and forty, with two hundred rounds of ammunition for each gun. Gen. Thomas also announced his willingness to withdraw the Federal troops as soon as the authorities of Alabama might decide that their local organizations were in a condition to maintain order in the State.

As soon as arms and ammunition are received, immediate steps will be taken to have the several companies equipped, and so disposed as to be ready, in an emergency, to come to the assistance of the civil authorities, whenever called upon, to enforce the laws and preserve peace. It is, of course, for this purpose alone, that military companies are wanted. The number of companies, which it is proposed to arm, will average two for each county. Some counties will, perhaps, not need more than one company, and some may require more than two.

I consider it nothing but right and proper that, when troops of local State organizations are called upon to perform active service, they should be compensated for their services. I therefore think that provision should be made for paying State officers and soldiers, whenever they may be called upon to perform actual duty.

#### THE FREEDMEN.

Very gratifying information has reached this department, from different parts of the State, in relation to the disposition of the freedmen. Everywhere, they seem to be entering into contracts for the present year, and cheerfully and faithfully entering upon the discharge of the obligations contracted. This strengthens the opinion which I have heretofore entertained, that the common law rule in reference to contracts, is amply sufficient for the mutual rites and obligations of whites and freedmen. The evidence, I think, is already amply sufficient to prove that we have more to hope for from that simple common law rule, than is likely to be accomplished by special or class legislation. Surely no good, law-abiding citizen will desire laws for the government of the unintelligent negro, which he, himself, is unwilling to abide by. No good to the country can result from having one Code of laws for the whites and another for the blacks, in their new relations, so far as concern the rights of persons and property.

R. M. PATTON.



On motion of Mr. Hawthorne, three thousand copies of the message and accompanying documents, were ordered to be printed.

The next general order being the Senate bill,

To repeal section fifteen of an act to incorporate the town of Union Springs, in Macon county, approved February 6th, 1858;

It was read the first and second times, under a suspension of the constitutional rule, and passed.

Mr. Bethea from the committee on Freedmen, by leave, reported as follows:

“The committee on Freedmen, to whom was referred the following bills, to-wit:

To punish vagrants;

To confer civil rights upon Freedmen and for other purposes;

In relation to retail of liquors by Freedmen;

For the protection of person and property of Freedmen in the State of Alabama;

Beg leave to report that the subject matter in each of said bills have been acted upon, and bills already reported and acted upon.”

Report was concurred in.

Mr. Bethea introduced a bill,

To authorize the election of an additional constable in beats four and five, in the county of Montgomery;

Which was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Pierce moved a reconsideration of the vote ordering the bill to a third reading.

A majority of the quorum not voting in favor of the reconsideration, the Speaker (Mr. Mabry in the chair) decided that the motion was lost.

On motion of Mr. McKinstry, the House adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, January 17, 1866.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Callaway.

Journal of yesterday, read and approved.

The Speaker appointed Messrs. Doster, Clark of Mobile, and Borden, the select committee on the “Joint resolutions to invite immigration to Alabama.”

Mr. Doster, by leave, offered the following resolution;

Which was adopted:

*Resolved*, That the Judiciary Committee be instructed to re-

turn to this House the bill providing for the amendment of the act to authorize the cutting of a channel known as "Grant's Pass," and that the mover of the bill shall have leave to withdraw the same, for the purpose of making it conform to the constitutional requirements relative to such amendatory acts.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Tompkins, to incorporate the Stonewall Insurance Company ;

Mr. Sturdivant, to incorporate Mt. Zion Methodist Church, in Perry county ;

Mr. Bethea, to incorporate the Oil and Mining Company of Alabama ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Tompkins, by leave, introduced the following resolution ;

Which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of regulating and fixing the present value of notes, drafts, bill of exchange, accounts or other evidences of debt, made or contracted during the late war, and report by bill or otherwise.

Bills were introduced by—

Mr. Freeman, to authorize the Judge of Probate of the county of Morgan to order private sale of certain lands therein named ;

Mr. Leeper, for the benefit of Abraham Keener ;

Mr. Leeper, to repeal an act entitled an act to prevent the destruction by fire of property in the towns and villages of the counties of Jefferson and St. Clair, approved December 9th, 1862 ;

Mr. Ash, to repeal an act prohibiting the sale of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair ;

Mr. Hare, for the benefit of the County Commissioners of Greene and Sumter counties ;

Which bills were severally read the first, second and third times, and passed, under a suspension of the constitutional rule.

By Mr. Tompkins,

To repeal 2398 of the Code of Alabama ;

By Mr. Bethea,

For the relief of William Taylor, of Montgomery county;

By Mr. Goldthwaite,

To provide for the payment of Solicitors' fees in cases where the defendants were insolvent;

By Mr. McCoy,

For the relief of executors, administrators and guardians;

By Mr. Leeper,

To repeal an act entitled "an act to prevent extortion," approved December 9th, 1862;

By Mr. Leeper,

To repeal an act entitled "an act to regulate interest upon debts in payment for which Confederate treasury notes may be tendered and refused," approved 17th November, 1862;

By Mr. Leeper,

To repeal an act entitled "an act to regulate the sale and exportation of corn," approved 8th December, 1862;

By Mr. Hare,

To amend section 1519 of the Code of Alabama, so as to reduce the rate of interest from 8 to 6 per cent.;

By Mr. McKinstry,

To define the status of persons of color and other persons in Alabama;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Lanier,

To regulate the sale of grain for distillation;

By Mr. Leeper,

To authorize the county commissioners of Shelby county to issue bonds, &c., to raise money to pay for building a jail;

Which were read severally the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Hare, by leave, offered the following resolution, which was adopted:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing dogs, and report by bill or otherwise.

Bills were introduced—

By Mr. Wilhite,

To regulate the election of Commissioners of Roads and Revenues in the county of Winston;

By Mr. Doster,

To repeal an act to prohibit the sale of intoxicating liquors

within the distance of three miles from Robinson Springs, and for other purposes ;

By Mr. Gibson,

To authorize the commissioners' court of Blount county to issue treasury notes for purposes therein specified ;

By Mr. Reese,

To authorize the city of Selma to issue its bonds for certain purposes ;

By Mr. Thorn,

To regulate the fees of jurors and witnesses of Franklin county ;

By Mr. Pierce,

To authorize the commissioners' court of the counties of Greene, Sumter and Covington to issue treasury notes, to pay for the building of bridges and enlarging and repairing the jails, and for other purposes ;

By Mr. Callaway,

To compensate John W Skipper, for feeding prisoners, &c. ;

By Mr Echols,

To prescribe the mode of delivering supplies furnished by the Government of the United States to the destitute of the State of Alabama ;

Which bills were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Cooper,

To prevent persons from interfering, so as to induce laborers or servants to abandon their contracts, or to employ such, without the consent of their original employer, before the expiration of the contract, &c. ;

Which was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Smith, of Choctaw, offered the following amendment, by way of engrossed ryder :

SEC. 2. Be it further enacted, That when any laborer having contracted as aforesaid, shall be found afterwards in the employment of another, that fact shall be *prima facie* evidence that such person is guilty of violating this act, unless the party having said laborer in his employment, shall upon being notified of such antecedent contract, forthwith discharge said laborer.

The engrossed ryder was read the first, second and third times, under a suspension of the constituttional rule, and adopted ; and the bill, as amended, passed.

By Mr. Hawthorne,

To stay all debts in the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Pipkin moved to amend by striking out "1866" where it occurs in the bill, and inserting "1867." Adopted.

On motion of Mr. Bethea, the bill and amendment, with various proposed amendments, informally handed to the clerk, was referred to the Judiciary Committee.

By Mr. Doster,

To regulate the fees of the register of the 40th District, Middle Chancery Division of Alabama;

Which was read the 1st and 2d times, under a suspension of the constitutional rule.

On motion of Mr. Pierce, the bill was amended by adding the counties of Greene, Pike, Butler, Covington, Shelby, Coosa, Wilcox, Randolph, Lauderdale, and Lowndes, and then referred to the Committee on the Judiciary.

By Mr. Caffey,

To incorporate the German Association for the promotion and protection of German immigration;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule.

On motion of Mr. Pierce, the vote ordering the bill to a third reading was reconsidered, and the bill was referred to the Committee on Corporations.

By Mr. Caffey,

To incorporate the Cahaba Petroleum and Mining Company;

By Mr. Meadors,

To incorporate the Apalachian Oil, Coal, Mining and Manufacturing Company;

Which were read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Message from the Governor by his private Secretary, Mr. Dalton:

*Mr. Speaker:*

I am directed by the Governor to inform the House of Representatives that on the 16th inst. he approved and signed acts of the following titles, viz:

An act to amend an act entitled "an act to incorporate the town of Livingston, the county site of Sumter county," approved January 10, 1835;

An act relating to the administration of the estate of Wm. McDowell, deceased;

An act to amend the charter of the Selma and Meridian Railroad Company ;

An act empowering the City Council of Selma to levy a specific tax ;

An act to establish the time of holding the regular annual meeting of the General Assembly of the State of Alabama ;

An act to authorize the commissioners' court of Dallas and Monroe counties to borrow money ;

An act for securing taxes from transient dealers ;

And that, on the 14th ultimo, he approved and signed

An act to amend an act amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company.

D. L. DALTON, Private Secretary.

Mr. Clark, of Mobile, by leave, offered the following resolution, which was adopted, and Messrs. Clark of Mobile, Smith of Choctaw, and Smith of Jackson, appointed as the special committee :

*Resolved*, That the message of His Excellency the Governor be referred to a special committee of three, with instructions to examine and designate an appropriate distribution of the various subjects embraced in the message, among the different standing committees.

Bills were introduced by—

Mr. Doster,

To increase the fees of the officers of Autauga county ;

By Mr. Doster,

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color ;

By Mr. Robison of Baldwin,

For the relief of the administration of the estate of Origen Sibley, late of the county of Baldwin ;

By Mr. Borden,

To prevent the manufacture and sale of spirituous and intoxicating liquors within one mile of any academy, school-house or church in this State ;

By Mr. Cooper, (Mr. Sheffield in the chair),

To relieve executors, administrators and guardians in certain cases ;

By Mr. Goodwin,

To tax amounts recovered and collected in suits in circuit and chancery courts ;

By Mr. Smith, of Choctaw,

To extend the criminal laws of this State, applicable to white persons, to negroes and persons of mixed blood ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cooper, (Mr. Mabry in the chair,)

To repeal an act therein named, which prohibits the sale of vinous or spirituous liquors within one mile of the town of Centre, in Cherokee county;

Which was read the first, second and third times, under a suspension of the constitutional rule, and referred to the committee on Propositions and Grievances.

By Mr. Cooper, (Mr. Mabry in the chair,)

To provide for the comfort of passengers upon railroads;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the select committee to inquire into the condition of the Banks and Railroads, with instructions to report at an early day.

By Mr. Vansandt,

To regulate the fees of the clerk of the Circuit Court of Coosa county;

Which was read the first and second times, under a constitutional rule, and referred to the committee on Ways and Means.

On motion of Mr. Reese, the call of the counties was suspended, to allow him to make a report from the committee on Destitution and Supply.

Mr. Reese from said committee, made the following report;

Which on motion of Mr. Worthy, was laid on the table, and 133 copies ordered to be printed.

The Committee on "Destitution and Supplies," to whom was referred the Reports from the several counties in this State, showing the amount and extent of Destitution therein, beg leave to present the accompanying Tabular and Consolidated Statement, which explains itself:

STATEMENT SHOWING THE NUMBER OF DESTITUTE FAMILIES AND PERSONS IN THE  
STATE OF ALABAMA.

COUNTIES.	Number of Families.....	Number in Families.....	Males under 5 years .....	Males between 5 and 10 years.....	Males between 10 and 15 years.....	Females under 5 years....	Females between 5 and 10 years.....	Females between 10 and 15 years.....	SUPPORT—PER MONTH.			
									Corn—Bushels.....	Bacon—Pounds.....	Amount.....	
Autauga.....	383	1529										\$4587 00
Baldwin.....	9	22	3	2			2	1				165 00
Barbour.....		2077	288	258	159	235	238	145				3899 00
Bibb.....	590	2270	358	359	358	334	331	333				11350 00
Blount.....	117	471	157	157	157	60	60	60				4399 14
Butler.....	824	2512										3768 00
Calhoun.....	756	3209	192	320	189	174	337	228				10928 55
Chambers.....	71	167	6	7	15	11	15	31				1693 25
Cherokee.....	730	3353	221	258	221	207	283	231				
Choctaw.....												
Clarke.....												
Coffee.....		812	85	86	73	80	99	64				
Conceh.....	159	728	94	94	96	95	95	96				
Coosa.....	255	798	82	120	76	67	105	64	362	3031½		178 00





## STATEMENT—Continued.

Randolph	444	1790	106	172	112	116	193	128	2919 00
Russell	193	687	37	68	50	52	82	59	1887 75
Shelby	290	1247	114	162	128	89	156	120	2681 00
St. Clair	200	1000							1000 00
Sumter									
Talladega	475	2097	171	246	166	181	206	192	6291 00
Tallapoosa	430	1634	182	200	174	179	226	212	2995 33½
Tuscaloosa									
Walker	155	580	65	91	34	57	61	50	1040 00
Washington	34	216							265 00
Wilcox	48	179	13	19	12	14	22	14	
Winston	131	476	29	36	15	19	36	29	2345 00
Total	11951	50310	3161	4066	3151	3051	4018	3345 939¾	11233½ 1068819 40¾

## SUPPLEMENTARY REPORTS.

Coosa	54	243						27	100	1539 00
Montgomery		500								4166 66¾
Pike	525	1868								7472 00
Total	12530	52921	3161	4066	3151	3051	4018	3345 966¾	11123½	181997 07¾

On motion of Mr. Vansandt, the House adjourned till ten o'clock to-morrow morning.

---

THURSDAY, January 18, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Baron.

Journal of yesterday read and approved.

CALL OF THE COUNTIES.

Mr. Bourland introduced a bill—

To give justices of the peace jurisdiction of certain criminal offences ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Bankhead presented a petition from citizens of Limestone county, asking a repeal of certain laws relating to the sale of spirituous liquors in the town of Athens, in said county ; also a counter petition, which, on motion by him,

Were laid on the table.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate concurs in the House amendment to the Senate bills—

To repeal in part an act to incorporate the Girard Railroad Company, approved January 21, 1865 ;

To alter and amend an act to amend the charter of the Girard Railroad Company, approved January 30, 1854 ;

And has passed the House bills—

To give to the probate court of Mobile county jurisdiction over the estate of Robert A. Baker, deceased ;

For the relief of Eleanor Stanton.

It has also originated and passed the following bills :

To amend an act entitled an act to incorporate the Central City Insurance Company, approved November 28, 1863 ;

To authorize the commissioners' court of the county of Jefferson to appoint apportioners and overseers of roads at their first term in February, 1866 ;

To repeal an act entitled "an act to increase the pay of

of county officers of Clarke county &c., " approved Nov. 23<sup>th</sup>, 1863.

M. TAUL, Secretary.

Bills were introduced by—

Mr. Humphrey, to authorize the commissioners' court of Madison county to borrow money for the support of the paupers of said county, and other purposes ;

By Mr. Bush, to provide for the erection of a court house and jail for the county of Marshall ;

By Mr. Bethea, to amend an act to regulate the payment of costs of prosecution in criminal cases in which the defendant may be insolvent in the county of Montgomery ;

By Mr. Moore, of Perry, to authorize James F. Bailey, late judge of probate of Perry county, to bring up and complete his records ;

By Mr. Leeper to amend the law incorporating the town of Monticello, in Shelby county ;

By Mr. Leeper, to repeal in part, " An act to prohibit any person or persons from giving away, selling, or offering for sale, any vinous or spirituous liquors within three miles of Lineville Baptist church, in Shelby county, or within one mile of Hamburgh, in Perry county ;

Which were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Moore, of Perry, for the relief of James L. Blackburn of Perry county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Moore of Coffee, moved to refer the bill to the Judiciary committee ;

Lost.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

By Mr. Humphrey, to limit the time in which decrees *pro confesso* may be taken ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary committee, with instructions to make it conform to constitutional requirements.

Mr. Grant moved to suspend the call of the counties, to allow him to offer a resolution ;

Lost.

Mr. Grant introduced a bill, to amend an act to authorize John Grant to cut or excavate a channel or canal through the

Shoal or Reef, which now obstructs the navigation between Dauphin Island and Cedar Point, in the county of Mobile;

Which was read once;

Mr. McKinstry raised a point of order as to the propriety of the introduction by a member of a bill for his own benefit, and his right to vote on the same.

The point of order was withdrawn—the bill was read the second time, under a suspension of the constitutional rule.

Mr. Mabry moved to refer it to a select committee of one from each Judicial Circuit.

Pending the discussion on the question of reference, Mr. McKinstry presented the following communication:

*Mr. Speaker:*

I beg leave to inform you that I cannot remain as chairman of the Judiciary committee, or as a member thereof.

Very respectfully,

ALEX. MCKINSTRY.

Montgomery, January 18th, 1866.

Mr. Mabry, by leave, withdrew his motion for reference to a select committee.

Hawthorne moved to refer the bill to the Committee on Internal Improvements.

Lost.

On motion of Mr. Tompkins the bill was referred to the Judiciary Committee.

Mr. McKinstry, by general request and unanimous consent, withdrew his communication of resignation as Chairman of the Judiciary Committee.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled:

An act for the relief of the chartered insurance companies of Mobile;

An act to re-enact the laws incorporating the town of Oxford, in Calhoun county, and to give the corporate authorities of said town additional powers;

An act to incorporate the Southern Rock Oil Company;

An act to amend an act to incorporate the City Savings Association of Mobile;

An act to give the Probate Court of Dallas county jurisdiction of the estate of Joel Riggs, deceased;

An act for the relief of Jesse Y. Austin, administrator of the estate of John H. Faires, deceased;

An act to authorize the Commissioners' Court of St. Clair

county to divide said county into four Commissioners' Districts ;

An act to renew the charter of the town of Courtland, Lawrence county, approved December 13, 1819 ;

An act to authorize the Court of County Commissioners of Washington county to issue bonds or notes to rebuild bridges and repair public buildings in said county.

Message from the Governor by his private Secretary, Mr. Dalton :

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed an act of the following title :

An act to incorporate the the town of Mount Andrew, in Barbour county.

I am also directed to communicate to the House a special message in writing.

Very respectfully,

D. L. DALTON,  
Private Secretary.

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., January 18, 1866. }

*To the House of Representatives :*

By the 16th section of the fifth article of the Constitution of Alabama, it is made the duty of the Governor to approve or disapprove every bill which passes the two houses of the Legislature. The duty thus devolved upon the Executive is one which involves much delicacy, but it is mandatory, and cannot be evaded.

On the 15th day of December, 1865, a bill was placed in my hands, which originated in the House of Representatives, of the following title : "A bill to be entitled an act to regulate the relation of master and apprentice, as relates to freedmen, free negroes, and mulattoes." The bill was received just as the Legislature was adjourning for a recess of one month. It was, therefore, impracticable to return it to the House, with my reasons for not approving it.

If this bill were to become a law, it would operate upon a particular class of persons. Section 1215, of the code, provides that "the judge of probate of each county may bind out as apprentices the children of any person unable to provide for them until the age of twenty-one years, if a male, and sixteen years if a female. By an act approved December 15, 1865, this sec-

tion of the code was amended by extending the age respecting females to eighteen.

This fully comprehends the whole subject, and the system has heretofore operated satisfactorily, and I see no reason to doubt its success in the future. Sections 1216, 1217 and 1218, of the code, provide ample protection for apprentices, and this saves the necessity of special or class legislation for the purpose. I think the present laws are amply sufficient for all the purposes of apprenticeship.

I regret to interpose official objection to legislative enactments, but under all the circumstances, I deem it a duty to return this bill to the House of Representatives without my approval.

R. M. PATTON,  
Governor of Alabama.

On motion of Mr. Bethea, the further consideration of the veto message of the Governor was postponed until this day week, and made the special order for 12 o'clock on that day.

The hour of 12 o'clock having arrived,

On motion of Mr. Bethea, the orders of the day were suspended to continue the call of the counties.

Bills were introduced—

By Mr. Clark, of Mobile, to incorporate the Mobile Mutual Insurance Company ;

By Mr. Connelly, to incorporate the Rock Mills Manufacturing and Lumber Company ;

By Mr. Freeman, to incorporate the Decatur and Danville Railroad ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations ;

By Mr. Tompkins, to regulate the time of holding the chancery court in the 1st District, Southern Chancery Division of the State, and for other purposes therein named ;

By Mr. Tompkins, to amend section 2313 of the code of Alabama ;

By Mr. Bethea, for the relief of Elizabeth Pizalla ;

By Mr. Hare, to repeal sections 3273, 3274, and 3275, of the code of Alabama, in relation to carrying concealed weapons ;

By Mr. McCann, to increase the fees of justices of the peace and constables in criminal cases ;

By Mr. Thrasher, for the relief of the jailors of the State of Alabama ;

By Mr. Lindsay, to more equally arrange the drawing of the grand jurors, so as to have two from each beat ;

By Mr. Hawthorne, to prohibit the collection of debts which may have been created by the purchase of negroes as slaves ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. McMillan, for the relief of John F. Elliot, of Monroe county;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

By Mr. Hare, in relation to persons of color working public roads in this State ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Lanier moved to amend by striking out " 18 and 45" and inserting "16 and 60."

Lost.

The bill was referred to the Committee on Roads, Bridges and Ferries.

By Mr. Lindsey, to allow crippled and diseased soldiers to peddle without license in the county of Tallapoosa ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Pipkin offered the following amendment which was adopted :

*“ Provided, That they be permitted to peddle in any county of the State, if they procure a certificate from the Judge of the Probate Court of the county in which they peddle.”*

On motion of Mr. Vansandt, the bill was referred to the Committee on Ways and Means, with instructions to report a general bill, with proper restrictions.

By Mr. Lindsey, concerning the offense of gaming; which was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Smith, of Choctaw, offered the following amendment, which was adopted :

*“ Provided, That this act shall not be construed so as to release any person who may have committed the offense before the passage of this act ; but all such shall be tried by the law in force at the time of the commission of the offense.”*

Mr. Cooper offered the following amendment :

*“ And be it further enacted, That any person who shall be convicted of betting at any gaming table, be fined not less than five hundred dollars, and shall stand committed till the fine and cost are secured, without the benefit of insolvent laws;”*



Pending which, on motion of Mr. Mabry, the bill as amended, and proposed amendment, were referred to the Judiciary Committee.

Mr. Mabry, by leave, offered the following resolution, which lies over one day under the rule :

*Resolved*, That hereafter the House meet daily at 9 o'clock a. m.

By Mr. Mabry, joint resolution in relation to the assumption of the United States' tax on real estate, by the State of Alabama ;

Which bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

By Mr. Goodwin, resolutions of the General Assembly on Federal Relations ;

Which were read and referred to the Committee on Federal Relations.

On motion of Mr. Echols, Mr. Mabry was added to the special committee on Railroads and Banks.

On motion of Mr. Vansandt, the House adjourned until ten o'clock to-morrow.

---

FRIDAY, January 19, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Baron.

Journal of yesterday was read, corrected and approved.

On motion of Mr. Tompkins,

The call of the counties was suspended, to enable committees to report.

Mr. McKinstry, from the Judiciary Committee, made the following report :

The Committee on the Judiciary, to whom was referred the bill to be entitled, "an act to create a new county out of portions of Coosa, Montgomery, Tallapoosa and Autauga counties," have examined and considered the same, as they were instructed to do, in connection with the several constitutional provisions relating to the establishment of new counties, and have instructed me to report that they have not found any provision of the Constitution, which in their opinion will be violated, or infringed in the the slightest degree, by the establishment of a new county, at the present session of the General Assembly. On the contrary, if it is desirable and expedient that a new county should be formed, as proposed, and if the con-

stitutional requisitions as to the number of inhabitants and size of the new county are complied with—(questions which always present practical difficulties, but which the committee do not understand to have been referred to them)—it seems to the committee, that the present session is the proper time for action in the premises. The 6th section of the 4th article of the Constitution requires, that the census of the State shall be taken next year, (1866,) and that the number of representatives shall be apportioned among the several counties “at the the first regular session after each enumeration,” or census; “which apportionment,” it further declares, “should not be subject to alteration, until after the next census shall have been taken.”

It is manifest, then, that if a new county is not formed until after the next apportionment is made, (which apportionment must be made at the next session of this General Assembly,) it cannot become entitled to separate representation until after the census shall have been taken in 1875. As to the practical difficulties in the formation of new counties, growing out of the constitutional requisitions as to size, number of inhabitants, &c., these must always be the same; and the General Assembly must, in each case, decide upon the sufficiency of the evidence adduced as to these points. The committee cannot see that the census returns of next year will afford better evidence, or more conclusive on these questions than other evidence which might be adduced at the present session.

All of which is respectfully submitted.

N. L. WHITFIELD,  
Chairman.

On motion of Mr. Worthy, the report of the Committee was received.

Mr. Bethea moved that the report be laid on the table.

Lost.

On motion of Mr. Worthy, the report was concurred in.

On motion of Mr. Edwards, the further consideration of the bill was postponed till to-morrow, 12 o'clock m.

Mr. McKinstry, from the same committee, reported favorably on the Senate bill—

To punish assaults with intent to murder, rob, &c., with death.

On motion of Mr. Bethea, the further consideration of the bill was postponed until Friday, the 26th instant, 12 o'clock m.

Mr. McKinstry, from same committee, reported adversely to the Senate bill,

To provide for taking and approving the bonds of the judges of the probate court.

Report of committee concurred in.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills—

To render valid the acts of the Intendant of Greenville ;

For the relief of Wm. Calhoun, of Russell county ;

To repeal an act prohibiting the sale of spirituous liquors within three miles of Friendsnip Church and Academy, in the county of St. Clair ;

To prescribe the mode of delivery of supplies furnished by the Government of the United States to the destitute of the State of Alabama ;

To authorize the courts of county commissioners of the counties of Coosa, Macon and Lowndes, to issue county bonds for the building of public bridges in said counties ;

To authorize the clerk of the city court of Selma to draw books and stationery ;

To incorporate the trustees of the Choctaw County Male and Female Seminary ;

To repeal an act entitled an act to prevent the destruction by fire of property in the towns and villages of the counties of Saelby, Jefferson and St. Clair, approved 9th December, 1852 ;

For the benefit of the county commissioners of Greene and Sumter counties ;

To regulate the election of commissioners of roads and revenues, in the county of Winston.

The Senate has originated and passed the following bills :

To authorize the commissioners' court of Jefferson county to issue county bonds, for the purpose of purchasing corn, and building a jail for said county ;

To authorize the administrators of the estate of Isaac Winston, late of Lawrence county, to lease lands ;

To reduce the salary of the Warden of the Penitentiary.

MICAH TAUL, Secretary.

Mr. McKinstry, from same committee, reported adversely to the Senate bill—

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1553, of the Code of Alabama, which took away that right ;

Leaving the consideration of which,

Mr. Goodwin moved to suspend to allow him to introduce a bill.

Lost.

On motion of Mr. Bethea,

The House adjourned until to-morrow morning ten o'clock.

SATURDAY, January 20, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Malloy.

Journal of yesterday read and approved.

The consideration of the report of the Judiciary Committee on the Senate bill,

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code of Alabama, which took away that right,

Under discussion when the House adjourned on yesterday, was resumed ;

Pending which, Mr. Echols moved to suspend to enable him to introduce a bill.

Lost.

The report of the committee was concurred in. Yeas, 55 ; nays, 20.

YEAS—Messrs. Ash, Bourland, Brooks, Bush, Cailaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Dobson, Echols, Edwards, Ellis, Faulk, Frazer, Freeman, Gibson, Goldthwaite, Grant, Hardie, Hawthorne, Ledbetter, Lindsey, Mabry, Malloy, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Oliver, Owens, Palmer, Padgett, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Savage, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Vansandt, Walker, Williams of Jackson, Williams of Randolph, and Wilhite—55.

NAYS—Messrs. Speaker, Bethea, Borden, Chapman, Crenshaw, Culver, Davis of Barbour, Goodwin, Henry, Humphrey, Lanier, Lawrence, Leeper, McCann, Morse, Pierce, Potter, Robinson of Chambers—20.

Mr. Clark, of Mobile, asked and obtained indefinite leave of absence for his colleague Mr. McKinstry.

Mr. Freeman, by unanimous consent, offered the following resolution, which was adopted :

*Resolved*, That in the opinion of this House, the interests of the State imperatively require that this General Assembly

should prosecute the business of its present session with diligence and dispatch, and bring the same to a close at as early a day as the revenue and other important bills can be matured and passed.

*Resolved, further,* That the Committee of Ways and Means be, and it is hereby instructed to report at the earliest moment practicable a revenue bill for the consideration of the House.

Mr. Moore of Perry, by leave, offered the following resolution, which was adopted :

*Resolved,* That the Judiciary Committee be directed to consider the propriety of this Legislature memorializing his Excellency, Andrew Johnson, President of the United States, in behalf of the citizens of this State, against whom proceedings have been instituted in the United States Courts, for the purpose of confiscating their property, &c., and that they report thereon by bill or otherwise, as early as practicable.

Mr. Smith of Choctaw, from the Judiciary Committee, reported adversely to the bills,

For the relief of the administrators of the estate of Origen Sibley, deceased, late of the county of Baldwin ;

To authorize John R. Hubbard, guardian of Thomas Mabala and Henry Byrd, to dispose of a certain tract of land therein named.

The House refused to concur in the report of the committee, and the bills were each read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from same committee, reported favorably to the bills,

To repeal an act entitled an act to prevent extortion, approved 9th December, 1862 ;

To repeal an act to change the time of holding the Circuit Court for Russell in the 3th Judicial Circuit ;

Which were read severally the third times, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from same committee, reported adversely to the bill, to amend section 1519 of the Code of Alabama, so as to reduce the rate of interest from eight to six per cent. ;

The report was concurred in—Yeas 52 ; Nays 24.

YEAS—Speaker, Ash, Bankhead, Borden, Bourland, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotton-Culver, Dobson, Echols, Edwards, Ellis, Faulk, Frazer, Freeman, Goldthwaite, Goodwin, Grant, Hardie, Hawthorne, Lawrence, Lindsey, Mabry, Malloy, M. Bee, McCoy of Russell, McCoy of Tallapoosa, McLester, McMullan, Meadors, Moore of Col-

fee, Moore of Perry, Oliver, Owens, Palmer, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadman, Stringer, Sturdivant, Williams of Randolph, and Wilkin—52.

NAYS—Messrs. Bethea, Brooks, Bush, Chapman, Crenshaw, Davis of Barbour, Gibson, Hare, Henry, Humphrey, L. nier, Ledbetter, Leeper, McCain, McCann, Morse, Sheffield, Smith of Jackson, Thrasher, Thorn, Vansandt, Walker, and Williams of Jackson—24.

Mr. Smith of Choctaw, from same committee, reported adversely to the bill, to amend section 2175 of the Code of Alabama.

Report of committee concurred in.

Also, adversely to the bill,

For the relief of Mr. Taylor, of Montgomery county.

The House refused to concur in the report.

Mr. Cooper, (Mr. Gibson in the chair,) moved to amend as follows :

By adding to the first section, the words, “ provided the said warrant can be found in any of the departments of the State ;”

Adopted.

Also, amend by striking out section 2d ;

Adopted.

Mr. Bethea offered the following amendment, which was adopted :

SEC. 2. *And be it further enacted.* That whenever it shall be made to appear to the satisfaction of the Governor, that any person shall have located land warrants in this State between the 11th day of January, 1864, and the 20th day of May, 1865, it is made the duty of the Governor to return the said land warrants to the party locating the same, or to the party to whom the said land has been subsequently transferred, provided the said land warrant is in the possession or under the control of said Governor.

The bill was read the third time, under a suspension of the constitutional rule, and passed, the following words being added to the title, “ and for other purposes relating to land warrants.”

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills .

To prevent trespasses ;

For the relief of John H. Kemp and Robert W. Kemp ;

For the relief of Samuel D. Williams, of the county of Jefferson ;

Legalizing the marriage of Daniel Logan and Martha Musgrove, residents of Marion county ;

For the relief of Sheriffs of this State.

It has also passed the following House bills :

To repeal an act to change the time of taking up the State docket ;

To authorize the commissioners' court of Blount county to issue treasury notes for purposes therein specified ;

To repeal an act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson's Springs, and for other purposes ;

To authorize the city of Selma to issue its bonds for certain purposes ;

To authorize James F. Bailey, late judge of probate of Perry county, to bring up and complete his records ;

To authorize the commissioners' court of Madison county to borrow money for the support of the paupers of said county, and other purposes ;

To regulate the fees of jurors and witnesses in Franklin county.

M. TAUL, Secretary.

Mr. Echols (by leave,) introduced a bill,

To incorporate the town of Tuskegee, in the county of Macon ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Clark of Mobile, (by leave,) offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of abolishing the present system of imprisonment for crimes and misdemeanors, and substituting therefor, hard labor in mining and quarrying stone and marble, or in the construction of railroads ; and in cases of misdemeanor now punishable by confinement in the county jails, by labor upon the roads and highways in the counties where conviction is had, in order that the system may be made self supporting, and the State be relieved of a heavy burden and expense ; and that they report by bill or otherwise.

Also, by leave, the following resolution, which was adopted:

*Resolved*, That the Committee on Public Printing be instructed to report a bill to provide for the publication, in one news-

paper in each of the cities of Mobile, Montgomery, and Huntsville, having the largest circulation, of all acts of the General Assembly of a public character, as soon as practicable after the same shall have become laws.

Mr. Clark, of Mobile, from the Special Committee to distribute the different parts of the Governor's Message to appropriate committees, made the following report, which was concurred in :

The committee respectfully recommend—

That so much of the message as relates to the State debt, be referred to the Committee of Ways and Means ;

That which relates to a stay law, to the Committee on the Judiciary ;

So much as relates to education and the University, to the Committee on Education ;

That which relates to the Penitentiary, to the Committee on the Penitentiary ;

And so much as relates to the military organization, to the Committee on Military Affairs.

All of which is respectfully submitted.

F. B. CLARK, Chairman.

The hour of 12 o'clock having arrived, the special order being the bill—

To create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties;

On motion of Mr. McCain, the blank in the bill left for the name of the new county, was filled with the name of "Wetumpka".

The bill was then read the third time, under a suspension of the constitutional rule.

Mr. Vansandt moved to amend by engrossed ryder as follows :

Provided, That the citizens of the place selected for the county seat, shall make and complete all the public buildings of said county ;

Which was read once.

On motion of Mr. Echols, the further consideration of the bill was postponed till Thursday next, at 12 o'clock m.

On motion of Mr. Mabry, the orders of the day were suspended until the reports from committees were gone through with.

Mr. Smith of Choctaw, from the Judiciary Committee, reported adversely to the bill—

To repeal section 2398 of the code of Alabama.

Report concurred in.

Also, favorably to the bill,



To provide for the payment of Solicitor's fees in certain cases where the defendants are insolvent ;

Which was read the third time, under a suspension of the constitutional rule, and lost. Ayes 1 ; nays 65.

YEAS—Mr. Goldthwaite—1.

NAYS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brooks, Bush, Caffey, Callaway, Chapin, Clark of Lawrence, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Dobson, Edwards, Faulk, Frazer, Freeman, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Morse, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Ruisler, Rees, Richardson, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Vansant, Walker, Williams of Jackson, Williams of Randolph, and Wilhite - 65.

Mr. Smith, of Choctaw, from same committee, reported favorably to the bill

To repeal an act entitled an act to regulate interest upon debts in payment of which Confederate treasury notes may be tendered and refused, approved 17th November, 1862.

Mr. Morse raised a point of order that the bill is informal, because it does not set forth in full the act intended to be repealed.

Mr. Speaker, (Mr. Tompkins in the chair) sustained the point of order.

Mr. Pierce appealed from this decision.

The House overruled the decision of the chair.

Mr. Richardson moved to suspend the business before the House to permit him to offer a resolution.

Objection being made, the Speaker decided that in the present condition of the business of the House, the rules could not be suspended for the introduction of the resolution without unanimous consent.

Mr. Goodwin moved to adjourn till Monday morning, ten o'clock.

Lost.

Mr. Goodwin appealed from the decision of the chair in his ruling with reference to the resolution of Mr. Richardson.

On motion of Mr. Gibson, the House adjourned till half-past nine o'clock, Monday morning.

MONDAY, January 22, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Vansandt.

Journal of Saturday read and approved.

Mr. Padgett moved to reconsider the vote by which the House concurred in the adverse report of the Judiciary Committee, on the Senate bill,

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1556 of the Code of Alabama, which took away that right;

On motion by him, the further consideration of the motion to reconsider was postponed.

The decision of the Speaker, on the point of order raised by Mr. Goodwin, on yesterday, on the motion of Mr. Richardson, was sustained by the House.

Mr. Clark, of Mobile, by unanimous consent, offered the following resolution, which was adopted:

*Resolved*, That the Comptroller be directed to furnish the Committee on Ways and Means, as early as practicable, with a tabular statement of the amount of State debt created after January 11th, 1861, at what time or times created, and in what funds received, and for what purposes appropriated.

The bill, reported favorably upon by the Judiciary Committee on Saturday,

To repeal an act entitled an act to regulate interest upon debts in payment of which Confederate Treasury notes may be tendered and refused, approved 17th November, 1862, was taken up.

Mr. Freeman moved to amend by striking out all after the words, "that act" in the 4th line, in section one, to the word "be" in the 9th line, and inserting the following:

Approved 17th November, 1862, providing that "if it shall be made to appear to any court of this State in any suit or proceeding hereafter commenced, upon any contract expressed or implied, for the payment of money that before the commencement of the suit or proceeding, the defendant or defendants therein, or his or her personal representative, tendered payment of the debt in Treasury notes of the Confederate States, and the plaintiff refused to receive them at their par value, it shall not be lawful for the plaintiff in said suit or proceeding to recover more than one-fourth of one per cent. per annum interest on said contract."

The amendment was adopted, and the bill read the third time, under the suspension of the constitutional rule, and passed.

Mr. Smith, of Choctaw, from the Judiciary Committee, reported adversely to the bills—

To give to the orders, judgments and decrees of the probate court hereafter rendered, when collaterally assailed, the effect of orders, decrees, and judgments of a court of general jurisdiction ;

To repeal an act entitled an act to increase fees in criminal cases ;

To prescribe the proof under indictments containing averments as to money.

Reports concurred in.

Also, favorably to the bills,

To repeal an act entitled “an act to regulate the sale and exportation of corn,” approved 8th December, 1862.

To repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color;

To amend section 3721 of the Code of Alabama, in relation to the writ of habeas corpus;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the bill,

To make it the duty of the clerk of the circuit court in the different counties to record all deeds and mortgages, and to issue all licenses;

The further consideration of which, on motion of Mr. Cooper, (Mr. Gibson in the chair,) was postponed till Thursday next, 12 o'clock, m.

Also, adversely to the bill,

In reference to indictable offenses committed in the State of Alabama.

On motion of Mr. Vansandt, the further consideration of the report and bill was postponed till the first Monday in February next.

Mr. Bethea, by unanimous consent, offered the following

Joint resolution authorizing the Governor to appoint commissioners to prepare a Penal Code ;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and adopted, and ordered forthwith to the Senate.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has originated and passed the following bills:

To incorporate the Central Mining and Petroleum Company;

To fix the time for holding the general elections in this State;  
 To revive and continue in force an act, approved December 12, 1849, entitled an act to change the name of the Coosa Manufacturing to the Bradford Manufacturing Company, and for other purposes.

It has also passed the following House bills:

For the relief of Mace H. Gilbert, Tax Assessor of Limestone county;

To amend an act to regulate the payment of costs of prosecution in criminal cases in which the defendants may be insolvent, in the county of Montgomery;

To change the time of holding the Circuit Court for Russell county in the 9th Judicial Circuit;

To repeal in part "an act to prohibit any persons or persons from giving away, selling, or offering for sale any vinous or spirituous liquors within three miles of Lineville Baptist Church, in Shelby county, or within one mile of Hamburgh, in Perry county;"

To authorize the Commissioners' Court of the counties of Greene, Sumter and Covington to issue treasury notes to pay for the building, enlarging and repairing the jails, and for other purposes.

And has also amended, as therein shown, and passed the House bill—

To invest the Probate Court with additional powers over the estates of deceased persons.

M. TAUL, Secretary.

Mr. Smith, of Choctaw, from the Judiciary Committee, reported adversely to the petition for the relief of Henry J. Hollmer, of Fayette county.

Report concurred in.

Also, favorably to the bill—

To provide for the safe keeping, distribution, and exchange, of the Supreme Court Reports;

Which was read the third times, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

To increase the fees of the officers of Autauga county.

Mr. Pierce moved to amend by making the provisions of the bill applicable to the county of Greene.

Mr. Hare moved to amend by making it applicable Sumter county.

Mr. Moore, of Perry, moved to amend by making it applicable to the county of Perry.

On motion of Mr. Pierce, the further consideration of the bill was postponed until 12 o'clock to-morrow.

Mr. Smith, of Choctaw, from same committee, reported a substitute for the Senate bill—

To punish malpractices by servants and employees of incorporated companies.

The substitute was adopted.

On motion of Mr. Echols, the bill and substitute were referred to a special Committee on Banks and Railroads.

Mr. Smith, of Choctaw, from same committee, reported adversely to the Senate bill—

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color, and for other purposes.

Report concurred in.

Also, adversely to the Senate bill—

To prevent freedmen and other persons from owning firearms, and carrying concealed weapons.

On motion of Mr. Mabry, the further consideration of the report and bill was postponed until the Tuesday after the first Monday in February next, at 12, m.

Mr. Bethea, from the committee on Ways and Means, reported the following amendment to the bill,

To extend the indebtedness of the Montgomery and Eufaula Railroad company to the State:

Amend by adding at the end of the last section, the following words; "*And provided further*, That said extension shall not be granted until the Mountain Railroad company shall assent to said extension.

Adopted.

On motion of Mr. Gibson, the further consideration of the bill was postponed until Wednesday next, 12 m.

Mr. Mabry from the committee on Ways and Means, reported a substitute for the joint resolution in relation to the assumption of the United States tax on real estate by the State of Alabama;

Which was adopted, read the third time under a suspension of the constitutional rule, and passed.

Also, adversely to the bill, to regulate the fees of the clerk of the Circuit Court of Coosa county.

Report concurred in.

Mr. Smith of Jackson, from the committee on County Boundaries, reported a substitute for the bill, to create a new county of portions of Macon, Russell and Chambers.

On motion of Mr. Robinson of Chambers, the report, bill and substitute were laid on the table.

Mr. Smith of Jackson, from the same committee, reported favorably on the bill, to form a new county to be called the county of *Hillabee*, from portions of Talladega and Randolph counties.

Mr. Worthy moved to amend, as follows: "*Provided*, That the inhabitants of the county hereby formed, shall be assessed to, and shall pay the standing tax due at the date of the formation of said new county to the county in which they formerly held their citizenship."

Adopted.

Mr. Gibson moved to amend, by adding the following as a preamble to the bill:

"Whereas, it is proposed to establish a new county, to be composed of parts taken from the counties of Talladega and Randolph ;"

"And whereas, from information before this General Assembly, it is apparent, that the said new county, will contain not less than six hundred square miles, and that its formation will not reduce either of the counties from which it is taken, below the area of six hundred square miles, therefore"—

Mr. Borden moved to amend this amendment by adding the following words: "And that said new county contains sufficient number of inhabitants to entitle it to a representation."

Mr. Goodwin moved to lay the bill and amendments on the table.

Lost.

On motion of Mr. Smith, of Choctaw, the bill and amendments were committed to the Committee on County Boundaries, with instructions to inquire and report whether the new county, and the counties from which its territory is to be taken, will each have a sufficient number of square miles and of inhabitants, to comply with the constitutional requirements, in the formation of the new county.

On motion of Mr. Bethea, Mr. Worthy was added to the Committee on Ways and Means.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act to regulate the election of Commissioners of Roads and Turnpikes, in the county of Winston;

An act to authorize the Clerk of the City Court of Selma to draw and stationery;

An act to render valid the acts of the intendant of Greenville;

An act for the relief of Wm. B. Calhoun. of Russell county ;

An act to repeal an act to prevent the destruction by fire of property in the towns and villages of the counties of Shelby, Jefferson and St. Clair, approved the 9th December, 1862 ;

An act to prescribe the mode of delivery of supplies furnished by the government of the United States to the destitute of the State of Alabama ;

An act to repeal an act prohibiting the sale of spirituous liquors within three miles of Friendship Church and Academy in the county of St. Clair ;

An act for the relief of Eleanor Staunton ;

An act to authorize the Courts of County Commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of public bridges in said counties ;

An act for the benefit of the County Commissioners of Greene and Sumter counties ;

An act to give to the Probate Judge of Mobile county, jurisdiction over the estate of Robt. A. Baker, deceased ;

An act incorporating the city of Demopolis.

On motion of Mr. Goodwin, the House adjourned till tomorrow morning, ten o'clock.

---

TUESDAY, January 23d, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Baron.

The Journal of yesterday was read and approved.

Mr. Walker moved to suspend the business before the House to allow him to introduce a resolution.

Lost.

On motion of Mr. Sheffield, the business before the House was suspended by unanimous consent, to permit him to introduce the following resolution, which was adopted :

*Resolved*, That the Senate be requested to return to the House a bill to be entitled an act to provide for the erection of a court house and jail for the county of Marshall.

On motion of Mr. Meadors, the vote by which the House refused to suspend the business before it, to permit Mr. Walker to introduce a resolution, was reconsidered.

Mr. Walker renewed his motion to suspend.

Adopted by unanimous vote.

Mr. Walker introduced the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be requested to re-

port back to this House, as early as practicable, the bill to aid the agricultural interests in this State.

Mr. Smith, of Jackson, from the Committee on County Boundaries, reported adversely to the bill

To form a new county, to be called the county of "Cleburne," from portions of Calhoun and Randolph counties.

The House refused to concur in the report.

On motion of Mr. Borden, the blank left in the bill for the name of the new county, was filled with the word "Cleburne."

Mr. Worley offered the following amendment, which was adopted :

*Provided*, That in the formation of said new county the citizens thereof shall be held liable for their proportion of taxes now due in the counties in which they have heretofore held their citizenship, and the same shall be assessed and collected by the tax collectors of said counties.

The bill was then read the third time, under a suspension of the constitutional rule.

On motion of Mr. Potter, the vote ordering the bill to its third reading forthwith, was reconsidered.

On motion of Mr. Borden, the bill was referred to a select committee of one from each congressional district, to be appointed by the Speaker.

On motion of Mr. Leeper, the Committee on County Boundaries was instructed to return the bill to form a new county, to be called the county of Hillabee, from portions of Talladega and Randolph counties ;

Which was also referred to the select committee of one from each Congressional District.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Perry Insurance and Trust Company ;

To revive the act incorporating the town of Pickensville ;

For the relief of Wm. Johnson, of Tuscaloosa ;

For the relief of Allen J. Driver, former jailor of Chambers county ;

To amend an act entitled an act to incorporate the Selma Savings Company, approved December 10, 1864.

It has also adopted the following House—

Joint resolutions authorizing the Governor to appoint commissioners to prepare a penal Code.

It has also passed the following House bills :



For the relief of the administrators of the estate of Origen Sibley, deceased, late of the county of Baldwin ;

To repeal an act entitled an act to prevent extortion.

Approved.

To amend the laws incorporating the town of Montevallo, in the county of Shelby.

M. TAUL, Secretary.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

Joint resolutions authorizing the Governor to appoint commissioners to prepare a penal Code.

On motion of Mr. McCoy, the vote by which the House passed the bill—

To assume and provide for the payment of the tax on real estate, imposed by act of Congress of the 5th of August, 1861 ;

Was reconsidered.

On motion of Mr. Morse, the vote ordering it to a third reading ;

Was also reconsidered.

The hour of twelve having arrived, the special order being the motion of Mr. Padgett—

To reconsider the vote of the House, concurring in the adverse report of the Committee on the Judiciary on the Senate bill—

To restore to a debtor the common law right of an honest preference amongst his creditors, and to repeal section 1506 of the Code of Alabama, which took away that right.

On motion of Mr. Padgett, this special order was postponed until the bill now before the House is disposed of.

The House then resumed the consideration of the bill

To assume and provide for the payment of the tax on real estate, imposed by act of Congress of the 5th of August, 1861.

Mr. Clark, of Mobile, offered the following amendment :

SEC. 5. *Be it further enacted*, That a special tax be assessed and collected upon real estate, sufficient to provide for the payment of the annual interest upon the bonds authorized by this act, and at their maturity for the principal thereof.

On motion of Mr. Reese,

The previous question was ordered, and the bill ordered to a third reading on to-morrow.

Message from His Excellency the Governor, by Mr. Dalton, his Private Secretary :

*Mr. Speaker :*

I am instructed by the Governor to inform the House of Representatives, that he has this day approved and signed a

Joint resolution authorizing the Governor to appoint Commissioners to prepare a Penal Code.

D. L. DALTON, Private Secretary.

The consideration of the special orders being resumed,

On motion of Mr. Padgett, the House laid on the table his motion to reconsider the vote concurring in the adverse report of the Judiciary Committee, on the Senate bill,

To restore to a debtor the common law right of an honest preference among his creditors, and to repeal section 1556 of the Code of Alabama, which took away that right.

The next special order for this hour, being the bill

To increase the fees of the officers of Autauga county ;

Was taken up, and amended by making its provisions applicable to the counties of Greene, Sumter, Tallapoosa, Washington, Dale, Coosa and Limestone ; and,

On motion of Mr. Doster,

The bill and amendments was recommitted to the Committee on the Judiciary, with instructions to report a general fee bill.

Mr. Vansandt moved to adjourn till 10 o'clock to-morrow.

Lost.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate, in accordance with a resolution passed by the House, herewith returns the bill—

To provide for the erection of a court house and jail in the county of Marshall.

Mr. Leeper, from the Committee on Internal Improvements, reported the following amendment to the bill,

To amend the charter of the Tennessee River Railroad Company,

And recommend its passage :

Strike out of the caption the word "amend," and insert "enlarge the powers granted by;" amend the first section by inserting after the word "that," in the fourth line, the words "the powers of said company under;" and strike out the word "amend" in the last line of the first section, and insert "enlarged;"

Adopted.

Mr. Potter moved to amend by adding the following section, which was adopted :

SEC. 6. *And be it further enacted*, That neither the passage of this act nor anything herein contained, shall be construed, either in whole or in part, as to repeal the eleventh and twelfth sections of an act entitled "an act to loan and appropriate the three per cent. fund and its interest," approved February 18th, 1860, or in any wise release the said Alabama and Tennessee River Railroad Company from any obligation in said sections imposed, and said company are hereby bound in all things, to a faithful compliance with said obligations, to extend the said railroad from Jacksonville to Gadsden according to the terms, stipulations and agreements in said sections above mentioned ;

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Echols, the House adjourned till ten o'clock to-morrow morning.

WEDNESDAY, January 24, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Baron.

The Journal of yesterday was read and approved.

Mr. Echols from the Select Committee on Banks and Railroads, reported adversely to the bill,

To provide for the comfort of passengers upon railroads ;

Report concurred in.

Also, favorably to the substitute of the Judiciary Committee, adopted by the House for the Senate bill,

To punish mal-practices by servants and employees of incorporated companies.

Mr. McKinstry moved to amend as follows :

Insert after the words "freight paid for," in 2d section, "or shall demand or receive any greater or larger compensation for passage of any person on the cars or train than that demanded at the ticket office." Adopted.

Mr. Morse offered the following amendment ;

Which was adopted :

*Be it further enacted*, That it shall be the duty of the Judge of the Circuit Court of each county to give this act specially in charge to the grand jury, at each term of the court, and that the prosecutions provided for in this act may be commenced in any county through which such railroad or roads may pass.

The bill was then read the third time, under a suspension of the constitutional rule, and passed

Mr. Mabry gave notice that he would move to reconsider the vote by which the House passed the bill—

To amend the charter of the Tennessee River Railroad Company.

Mr. Cobb, from the Committee on Public Printing, reported a bill—

For the publication and circulation of the acts of the General Assembly of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Pipkin moved to amend by inserting “ Eufaula.”

Adopted.

Mr. Goodwin moved to amend by inserting “ Tuscumbia.”

Adopted.

Mr. Mabry moved to amend by inserting “ Selma.”

Adopted.

Mr. Bankhead moved to amend by inserting “ Fayetteville.”

Adopted.

On motion of Mr. Goodwin, the bill and amendments were laid on the table.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to repeal an act to change the time of taking up the State dockets ;

An act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson Springs, and for other purposes ;

An act to authorize James F. Bailey, late Judge of Probate of Perry county, to bring up and complete his records ;

An act to authorize the Commissioners Court of Madison county to borrow money for the support of the paupers of said county, and for other purposes.

An act to incorporate the trustees of the Choctaw County Male and Female Seminary ;

An act to regulate the fees of jurors and witnesses in Franklin county ;

An act to authorize the city of Selma to issue its bonds for certain purposes ;

An act to authorize the commissioners' court of Blount county to issue Treasury Notes for purposes therein specified ;

An act to authorize the commissioners' courts of Greene, Sumter, and Covington to issue treasury notes to pay for the building of bridges, enlarging and repairing of jails, and for other purposes ;

An act for the relief of Mace H. Gilbert, tax assessor of Limestone county ;

An act to repeal in part an act to prohibit any person or persons from giving away, selling or offering for sale, any vinous or spirituous liquors within three miles of Lineville Baptist Church, in Shelby county, or within one mile of Hamburg, in Perty county.

Mr. Ellis, from the Committee on Propositions and Grievances, reported adversely to the bill,

To regulate the sale of grain for distillation ;

Report concurred in.

Also, favorably to the bill,

For the relief of John T. Elliott, of Monroe county ;

Which was read the third time; under a suspension of the constitutional rule and passed.

Mr. Goodwin, from the same committee, reported favorably to the bills,

To repeal an act therein named which prohibits the retail of vinous or spirituous liquors within one mile of the town of Centre, in Cherokee county ;

To authorize the county commissioners' of Shelby county, to issue bonds, &c., to raise money to pay for building a jail ;

Which were each read the third time, under a suspension of the constitutional rule, and passed.

Mr. Mabry, from the Committee on Freedmen, reported the following amendment to, and recommended the passage of the bill,

To protect proprietors and occupants of premises and householders from intrusion ;

Amend by striking out all between the words, "forthwith paid," and "provided," and inserting the following :

The party so failing shall be imprisoned not exceeding six months, or hired out, at the discretion of the court trying the same.

Adopted.

Mr. Leeper moved to amend by striking out the word "freedmen", wherever it occurs in the second section, and insert the word "person."

On motion of Mr. Bethea, the bill and amendments were postponed until Tuesday after the first Monday in February, and made the special order for 12 o'clock, m.

Mr. Bethea, from the Committee on Freedmen, to which was referred the following bills :

To protect the freedmen in this State in the full enjoyment of all their rights of person and property, and guard them and

the State against only evils that may arise from their sudden emancipation ;

To prevent negroes and mulattoes from settling in the State of Alabama ;

To authorize the registry of the names, locations, and occupations, of freedmen in towns and cities ;

Asked to be discharged from the further consideration of them because the subjects of said bills were already embraced in other bills reported from the committee.

The report was concurred in, the committee discharged, as requested, and the bills laid on the table.

The hour of 12 o'clock, m., having arrived, the

#### GENERAL ORDER

Being the bill—

To assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th of August, 1861 ;

It was taken up.

Mr. McCoy, of Russell, offered the following amendment, as an engrossed ryder, to the bill :

*Provided*, That the bonds issued under the provisions of this act, shall be a lien upon the real estate until the debt created shall be paid.

Lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Ayes, 77 ; nays, 6.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Cobb, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Edwards, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McLester, McMillan, Meadors, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thorn, Vansandt, Walker, Waller, Warren, Williams of Jackson, Williams of Randolph, Wilhite and Yonge—77.

NAYS—Messrs. Dobson, Moore of Coffee, Morse, Robinson of Chambers, Savage, and Smith, of Jackson—6.

## THE SPECIAL ORDER

Being the bill, to extend the indebtedness of the Montgomery and Eufaula Railroad company ;

It was taken up, read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has rejected the following House bills :

For the benefit of Abraham Keener ;

To regulate the time of holding the Circuit Courts in the fourth Judicial Circuits ;

To authorize John Shackelford, of Macon county, to keep a Public Ferry across Line Creek.

It has passed the following House bills :

For the relief of William Taylor, of Montgomery county, and for other purposes, relating to Land Warrants.

It has also originated and passed the following bills ;

To repeal an act in relation to the toll at Wetumpka Bridge ;

To provide for paying the expenses incurred in the inauguration of the Governor ;

To amend the charter of the Central City Insurance company ;

To incorporate the Montgomery Savings Bank at Montgomery ;

To reorganize and fix the times of holding the Courts of Chancery, in the Middle Chancery Division ;

To authorize the Probate Court of Morgan county, to order the private sale of lands therein named ;

To amend the charter of the city of Tuscaloosa ;

To declare William M. Graves, a liner between the counties of Chambers and Talladega, a citizen of Chambers county, and to change the county line between said counties.

M. TAUL, Secretary.

Mr. Mabry, from the committee on Banks and Banking, reported a substitute for the bill ;

For the regulation of the chartered Banks of the city of Mobile, and for other purposes.

The substitute was adopted.

Mr. Moore of Coffee, offered the following amendment :

*Provided*, The provisions of this act shall not be so construed

as to continue the suspension of said banks, contrary to the terms of their charter longer than one year.

Mr. McKinstry offered the following amendment to this amendment :

*Provided, further,* That by or before that time, Treasury Notes of the United States shall cease to be a legal tender by an act of Congress of the United States.

On motion of Mr. Morse, the consideration of the bill and proposed amendments, was postponed till Monday next, and made the special order for 12 o'clock, m.

On motion of Mr. Vansandt, the House adjourned till ten o'clock, to-morrow morning.



THURSDAY, January 25th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

Journal of yesterday, read and approved.

Message from the Governor, by Mr. Dixon, his Private Secretary :

EXECUTIVE DEPARTMENT, Jan. 20, 1866.

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that, on the 22d inst., he approved and signed acts which originated in this House, of the following titles, viz :

An act to incorporate the Southern Rock Oil Company ;

An act to amend an act to incorporate the City Savings Association of Mobile ;

An act to give the Probate Court of Dallas county jurisdiction of the estate of Joel Riggs, deceased.

And that on the 23d inst., he approved and signed,

An act for the relief of the chartered insurance companies of Mobile;

An act to authorize the Commissioners' Court of St. Clair county to divide said county into four Commissioners' Districts ;

An act to authorize the Court of County Commissioners of Washington county to issue bonds or notes to rebuild bridges and repair public buildings in said county;

An act for the relief of Jesse Y. Austin, administrator of the estate of John H. Faires ;

An act to re-enact the laws incorporating the town of Oxford, in Calhoun county, and to give the corporate authorities of said town additional powers;



An act to renew the charter of the town of Courtland, Lawrence county, approved December 13, 1819.

S. H. DIXON, Private Secretary.

Mr. Frazer asked and obtained leave of absence for his colleague, Mr. Echols, until Monday next.

Mr. Mabry from the Committee on Banks and Banking, reported favorably to the bill,

To amend an act entitled an act to extend the charter of the Bank of Mobile ;

To amend the act entitled an act to amend the act to incorporate the Southern Bank of Alabama ;

Which were each read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Reese, from the Committee on Destitution and Supply, reported the following bill :

For the relief of the indigent families in the State of Alabama ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from the Committee on Corporations, reported the following amendment to the bill "to incorporate the Mount Zion Methodist Church, in Perry county" :

Amend by striking out the words "from and after the passage of this act," where they occur in the first section, and inserting in lieu thereof, "from and after the 1st day of July, A. D. 1866."

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from same committee, reported back to the House the petitions relating to the act incorporating the town of Mount Hope, in Lawrence county, Alabama, and asked that they be laid on the table, as it is inexpedient to legislate upon the subject.

The report was concurred in, and both the petitions were laid on the table.

Also, favorably to the following bills :

To incorporate the Georgia and Alabama Coal, Oil and Manufacturing Company ;

To incorporate the Mobile Mutual Insurance Company ;

To incorporate the Alabama Petroleum and Lamp Company ;

To incorporate the North Alabama Oil and Mining Company ;

To incorporate the Apalachian Oil, Coal, Mining and Manufacturing Company ;

To incorporate the Cahaba Petroleum and Mining Company ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bill,

To incorporate the Alabama College of Physicians and Surgeons, and the Charity Hospital at Montgomery ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill,

To incorporate the Pioneer Petroleum Company.

The substitute was adopted, and read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

To incorporate the Medical and Surgical Society of the city of Montgomery.

Mr. Potter moved to recommit the bill to the Judiciary Committee.

Lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from same committee, requested that the bill—

To incorporate the Alabama Immigrant, White Labor and Real Estate Agency Company—

Be returned to the Senate, it being informally and incorrectly engrossed.

The report was concurred in.

Also, favorably to the bill—

To incorporate the German Association for the promotion and protection of German Immigration ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Yeas, 60 ; nays, 23—on the passage of the bill.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Bourland, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Doster, Ellis, Faulk, Frazer, Freeman, Gafford, Grant, Hare, Hawthorne, Humphrey, Lanier, Ledbetter, Mabry, Malloy, McCain, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Moore of Perry, Owens, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Williams of Jackson, Williams of Randolph, Wilhite, and Yonge—60.

NAYS—Messrs. Brandon, Davis of Bibb, Gibson, Goodwin, Hardie, Henry, Lawrence, Malone, McBee, McCann, Moore of

Coffee, Morse, Odum, Oliver, Palmer, Padgett, Plowman, Potter, Sheffield, Smith of Choctaw, Smith of Jackson, Walker, and Warren—23.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To authorize Charles Gibson, judge of probate for Lawrence county, to administer on the estate of Benjamin F. Milam, deceased ;

To incorporate the Planters' and Merchants' Mutual Insurance Company of Mobile ;

To explain the meaning and intent of an act the more effectually to prevent the offences of grand larceny, arson, and burglary, passed at the present session of the General Assembly, approved December 15th 1865 ;

To authorize the Secretary of State to furnish books to the Solicitor of the 4th judicial circuit ;

To obviate technical objections to the *venire* in the trial of capital offences ;

Requiring the Secretary of State to have printed certain acts therein named ;

For the relief of John Callahan, of Montgomery ;

To repeal an act entitled " an act to extend the criminal laws of this State, applicable to free persons of color, to freedmen, negroes, and mulattoes," passed at the present session of this General Assembly ;

To alter and amend an act to incorporate the town of Union Springs, in Macon County ;

To repeal an act entitled " an act to repeal an act to direct the binding of certain copies of the acts of the General Assembly," approved February 15th, 1854 ;

To amend the tenth section of an act entitled " an act to incorporate the Northern Bank of Alabama," approved 10th February 1862, referring to directors ;

For the relief of A. Strassburger, of Montgomery.

MICAH TAUL, Secretary.

#### THE SPECIAL ORDER.

Being the veto message of the Governor on the bill

To regulate the relation of master and apprentice, as relates to freedmen, free negroes and mulattoes ;

It was taken up, and the bill was lost. Yeas, 40 ; nays, 51.

YEAS—Messrs. Ashford, Bankhead, Bethea, Brooks, Chapman, Cox, Crenshaw, Culver, Frazer, Gafford, Gibson, Goldthwaite, Hawthorne, Henry Humphrey, Lanier, Ledbetter, Mabry, McAlexander, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Odum, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Jackson, Stringer, Sturdivant, Thrasher, Waller, Williams of Jackson, Worthy, and Yonge—40.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Davis of Bourbon, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Faulk, Freeman, Goodwin, Grant, Hand, Hardie, Hare, Lawrence, Leeper, Lindsey, Malone, Malloy, McBee, McCann, McKinstry, McLester, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Plowman, Potter, Sheffield, Steadham, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Randolph and Wilhite—51.

Mr. Moore, of Coffee, moved a suspension of the business before the House, to allow him to introduce a bill.

Lost.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act for the relief of the administrator of the estate of Origen Sibley, deceased, late of the county of Baldwin ;

An act to amend an act to regulate the payment of costs of prosecutions in criminal cases, in which the defendants may be insolvent, in the county of Montgomery ;

An act to repeal an act entitled an act to prevent extortion, approved December 9, A. D., 1862.

The next special order being the bill—

To create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties,

It was taken up.

The engrossed ryder offered by Mr. Vansandt was read the second time, and lost.

Mr. Gibson offered the following amendment, as an engrossed ryder, to the bill :

Sec. —. *Be it further enacted*, That the census takers of the several counties from which the said county is proposed to be taken, shall be required to make returns of the census of such portions of their respective counties as are included within the proposed lines of the said proposed county, on a separate sheet or paper ; and if it shall appear from the said returns of the census takers of the State, for the year 1860, that the said proposed county has not a white population sufficient to entitle it

to one representative in the General Assembly of Alabama, or that either of the counties from which said proposed county is proposed to be taken, is thereby reduced below the one hundredth part of the white population of the State, then this act shall be null and void.

This engrossed ryder was read the first and second times, under a suspension of the constitutional rule.

Mr. Thrasher moved to amend this amendment as follows, which was adopted :

*Provided*, That the property in the proposed new county, taken from the county of Tallapoosa, shall be liable to taxation for the *pro rata* proportion of any debt which may now be due by said county of Tallapoosa, and the same shall be levied, collected and paid over to said county by the proper authorities of the proposed new county.

The engrossed ryder as amended was then read the third time, under a suspension of the constitutional rule, and adopted.

The bill as amended was passed by the constitutional majority vote of two-thirds. Ayes 67 ; nays 20.

Ordered forthwith to the Senate.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Dobson, Edwards, Ellis, Faulk, Frazer, Freeman, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence, Ledbetter, Leeper, Malloy, McAlexander, McBee, McCain, McCann, McKinstry, McMillan, Moore of Perry, Odum, Oliver, Palmer, Padgett, Plowman, Potter, Raisler, Reese, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thorn, Vansandt, Walker, Waller, Williams of Jackson, Williams of Randolph, Wilhite, Worthy and Yonge—67.

NAYS—Messrs. Davis of Barbour, Gafford, Gibson, Goldthwaite, Lindsey, Mabry, Malone, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore of Coffee, Morse, Owens, Pierce, Pipkin, Robinson of Chambers, Steadham, Thrasher and Warren—20.

Messrs. Smith of Choctaw, and Reese, asked and obtained leave to record their votes aye, in favor of the bill vetoed by the Governor.

The Speaker announced the following Special Committee on the bills to form the new counties of Hillabee and Cleburne :

Messrs. Hawthorne, Moore of Coffee, Echols, Leeper, Sheffield, and Gibson.

On motion of Mr. Smith, of Choctaw, the House adjourned until ten o'clock to-morrow morning.

---

FRIDAY, January 26th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The Journal of yesterday was read and approved.

Leave of absence was granted to Messrs. McCain, Sturdivant, Reese, Frazer, Gafford, and Lanier.

Mr. Stringer, by unanimous consent, introduced a bill to repeal an act approved February 13th, 1855, entitled an act to increase the amount of tax on peddling in the county of Pike;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Tompkins from the committee on Corporations, reported favorably on the bills,

To incorporate the Oil and Mining Company of Alabama;

To incorporate the Rock Mills Manufacturing and Lumber company;

To incorporate the Decatur and Danville Railroad company;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with the following amendment to the bill, to incorporate the Stonewall Insurance company; amended by adding this proviso:

*“Provided, That nothing in said charter shall be so construed as to confer upon the incorporators, their associates or successors, banking privileges, to issue notes to be circulated as money, or other banking privileges, not conferred upon similar charters”*

The amendment was adopted, the bill was read the third time under a suspension of the constitutional rule, and passed.

Also, favorably, with the following amendment to the bill, to incorporate the town of Tuskegee in the county of Macon; amended, by adding this proviso:

*Provided, That within sixty days after the approval of this act, the qualified voters, entitled to vote for members of the General Assembly, and residing within the proposed corporate limits of said town of Tuskegee, shall hold an election and ratify said charter by a majority of their votes, then this act shall have full force and effect, according to the provisions thereof; otherwise, the same shall be made null and void.*

The amendment was adopted, and the bill read the 3d time,

under a suspension of the constitutional rule, and passed.

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably on the bill for the relief of C. A. Burns, late Tax Assessor of Blount county.

On motion of Mr. Gibson, the further consideration of the bill was postponed till to-morrow, 12 o'clock, m.

Also, favorably to the bill—

For the relief of Thomas C. Bareley, clerk of the circuit court of Marshall county;

Which was read the 3d time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

For the relief of W. T. May, Judge of Probate of Marshall county.

On motion of Mr. McCoy, of Russell, the report and bill were laid on the table.

Also, favorably to the bill—

For the relief of C. Farriss, sheriff of Marshall county.

On motion of Mr. McCoy, of Russell, the report and bill were laid on the table.

Mr. Pierce, from the Committee on Enrolled bills, reported the following as correctly enrolled:

An act for the relief of Wm. Taylor, of Montgomery county, and for other purposes relating to land warrants;

An act to change the time of holding the Circuit Court for Russell county, in the 9th Judicial Circuit.

On motion of Mr. Sheffield, the vote by which the bill passed for the relief of Thomas C. Bareley, Clerk of the Circuit Court of Marshall county, was reconsidered.

On motion of Mr. McCoy, of Russell, the bill was laid on the table.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed the following bills:

For the relief of C. P. Winn, of the county of Perry, and to permit him to marry;

To authorize the Governor to have the Capitol building covered or refitted.

It has passed the following House bill:

For the relief of F. Elliot, of Monroe county;

And has rejected the bill—

To repeal an act entitled "an act to regulate the sale and exportation of corn," approved 8th of December, 1862.

M. TAUL, Secretary.

Mr. Gafford, from the same committee, reported favorably to the bill—

For the relief of Edward H. Ustick, jailor of Sumter county.

On motion of Mr. McCoy of Russell, it was laid on the table with the report.

Also, favorably to the bill—

For the relief of the heirs of E. McGehee.

On motion of Mr. Gafford, the further consideration of the report and bill was postponed till Monday next, at twelve o'clock, m.

Also, adversely to the bill—

To make an appropriation to pay M. G. Moore, Warden of the Penitentiary.

Mr. Morse, from the Committee on Federal Relations, reported favorably to the—

Resolutions of the General Assembly on Federal Relations.

On motion of Mr. Worthy, the report and resolutions were postponed till Wednesday after the 1st Monday in February. Yeas 56, nays 25.

YEAS—Messrs. Speaker, Ashford, Bankhead, Bethea, Bourland, Brooks, Bush, Caffey, Callaway, Chapman, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Edward, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Hand, Hardy, Hawthorne, Henry, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Chambers, Smith of Jackson, Steadham, Stringer, Walker, Waller, and Worthy—56.

NAYS—Messrs. Ash, Clark of Lawrence, Cobb, Cotten, Dobson, Doster, Goodwin, Grant, Hare, Lanier, Malone, Malloy, McKinstry, Moore of Coffee, Morse, Robinson of Baldwin, Savage, Smith of Choctaw, Thorn, Vansandt, Warren, Williams of Jackson, Williams of Randolph, Wilhite, and Yonge—25.

#### THE SPECIAL ORDERS

Being first, the adverse report of the Judiciary Committee to the bill—

To make it the duty of the Clerks of the Circuit Courts in the different counties to record all deeds and mortgages, and to issue all licenses;

It was taken up, and the report concurred in.

The next special order being the Senate bill,



To punish assaults with intent to murder, rob, &c., with death;

It was taken up, and

On motion of Mr. Bethea, made the special order for Tuesday after the 1st Monday in February, at 12 o'clock, m.

#### ORDERS OF THE DAY.

The bill—

To authorize the election of an additional constable in beats 4 and 5 in the county of Montgomery,

Was taken up, and

The question being on its passage,

It was passed.

The House concurred in the Senate amendment to the House bill—

To invest the Probate Court with additional power over the estates of deceased persons.

The bill—

To incorporate the American Industrial Agency,

Was taken up.

Mr. Borden offered the following amendment:

*Provided*, That said act of incorporation shall not go into effect until the persons therein incorporated shall pay the State Treasurer of the State one-tenth of one per cent., and they shall be liable thereafter to pay such special and general taxes as may hereafter be assessed under the revenue laws of this State, on the capital stock authorized by said act of incorporation.

Mr. McKinstry offered the following as an amendment to the amendment:

*Provided, further*, That the principal office of the company shall be in Alabama, and the President, Secretary and Treasurer and a majority of Directors of said company shall be citizens and residents of the State of Alabama.

This amendment was adopted, and Mr. Borden's amendment as amended was adopted.

Mr. McKinstry offered the following as an additional section to the bill, which was adopted:

Sec. 5. *Be it further enacted*, That the General Assembly may repeal or modify this act at any time.

The bill was read the third time under a suspension of the constitutional rule, and passed.

Ayes, 6; nays, 69.

YEAS—Messrs. Borden, Hare, Lanier, Meadors, Tompkins, and Williams of Randolph—6.

NAYS—Messrs. Speaker, Bankhead, Bethca, Bourland, Brooks, Caffey, Cailaway, Chapman, Clark of Mobile, Cobb, Cotten, Cox, Crenshaw, Culver, Dobson, Edwards, Ellis, Paulk, Frazer, Freeman, Gibson, Grant, Hand, Hawthorne, Henry, Lawrence, Ledbetter, Lindsay, Mabry, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Vansandt, Walker, Warren, Williams of Jackson, Willite and Worthy—69.

Mr. Bankhead moved that the regular order of business be suspended, to allow him to offer a resolution.

Lost.

Mr. Borden moved a suspension to permit him to introduce a bill.

Lost.

On motion of Mr. Bankhead, the House adjourned until ten o'clock to-morrow.

SATURDAY, January 27, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Journal of yesterday read and approved.

Mr. Doster, from select committee to whom was referred the joint resolutions—

To invite immigration to Alabama ;

Reported that they had considered the same, and recommended their adoption.

They were then read the third time, under a suspension of the constitutional rule, and adopted.

Mr. Mabry moved to suspend the call of the counties, that the Senate message might be taken up and disposed of.

Lost.

Message from the Governor, by Mr. Dixon :

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that, on the 26th inst., he approved and signed acts which originated in this House, of the following titles, viz. :

An act to repeal an act entitled an act to prevent the

distruction by fire of property in the towns and villages of the counties of Jefferson and St. Clair, approved December 9th, 1862 ;

An act to prescribe the mode of delivering supplies furnished by the Government of the United States to the destitute of the State of Alabama ;

An act to repeal an act prohibiting the sale of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair ;

An act for the relief of Wm. B. Calhoun, of Russell county ;

An act to render valid the acts of the intendant of Greenville ;

An act to authorize the clerk of the city court of Selma to draw books and stationery ;

An act to regulate the election of commissioners of roads and revenues in the county of Winston ;

An act for the relief of Eleanor Staanton ;

An act to authorize the Courts of County Commissioners of the counties of Cossa, Micon and Lowades to issue county bonds for the building of public bridges in said counties ;

An act for the benefit of the County Commissioners of Greene and Sumter counties ;

An act incorporating the city of Demopolis.

An act to regulate the fees of jurors and witnesses in Franklin county.

#### CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Doster to incorporate the Southern Insurance and Transportation Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

By the same, to repeal an act entitled an act to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama ;

Mr. Borden, to increase the revenue of this State ;

Mr. Smith, of Choctaw, for the relief of maimed soldiers, and the indigent widows and orphans of deceased soldiers who were maimed or deceased through service as soldiers from the State of Alabama in the late war ;

Which were read severally the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

By Mr. Doster, for the relief of certain officers in the county of Autauga ;

By the same, for the relief of John S. Brown, of Autauga county ;

By the same, for the relief of LaFayette Cooper, of Autauga county ;

By Mr. Morse, to authorize the probate judges to settle amounts due on estray bonds without suits ;

By Mr. Mabry, to authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes ;

By the same, to preserve the chartered rights of the Selma and Gulf Railroad Company ;

By Mr. Smith, of Choctaw, to repeal an act to suppress more effectually the distillation of grain ;

Which was read the first, second, and third times, under a suspension of the constitutional rule and passed.

By Mr. Robinson of Chambers, to declare Mary E. Lawrence, wife of William S. Lawrence, of the county of Chambers, a free dealer ;

Which was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Smith of Choctaw moved to reconsider the vote by which the bill was ordered to a third reading. Lost.

The bill was then passed.

By Mr. Davis of Barbour, to authorize justices of the peace in this State in civil cases to require the payment of costs before actions, and before appeals shall be taken from their judgments.

By Mr. Pipkin, to amend the first and third sections of an act entitled "an act to incorporate the town of Clayton, Barbour county, Alabama," approved December 21st, 1841 ;

By Mr. Edwards, to tax the distillation of grain in the county of Coosa ;

By Mr. Vansandt, in reference to settling unfinished business in the bounds of new counties, and the payment of costs before cases are removed from an old to a new county ;

By Mr. Cooper, to define the duties and fix the liabilities of Express Companies and imposing penalties ;

By Mr. Morse, to fix the pay and allowance of grand and petit jurors ;

By the same, to authorize writs of garnishment against incorporated cities, towns and villages ;

Mr. Smith, of Choctaw, to repeal an act entitled an act to repeal certain acts regulating judicial proceedings and for other purposes ;

By the same, to repeal an act to prevent the impressment of property under false pretences ;

By Mr. Chapman, to increase the pay of commissioners of roads and revenue, jurors and other civil officers for the county of Covington ;

By Mr. Mabry, to amend section 2164 of the Code ;

By the same, to authorize the Governor to negotiate a temporary loan, or to issue treasury notes ;

By Mr. Callaway, to increase the power of probate judges in certain cases ;

By the same, to abolish the State Penitentiary, and for other purposes ;

By the same, to revise or amend section 1057 of the Code of Alabama ;

By the same, to regulate the settlement and distribution of estates of minors, who die before reaching the age of eighteen years ;

By Mr. Smith, of Jackson, to prevent white persons from gaming with negroes and mulattoes ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Palmer, to continue and complete the collection of the records of Alabama soldiers in the late war ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee of three, consisting of Messrs. Palmer, Tompkins and McAlexander.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To pay the jailor of Pickens county ;

To amend the first clause of section 711 of the code, so as to extend the civil jurisdiction of justices of the peace to one hundred dollars ;

To amend section 1961 of the code of Alabama, in relation to divorce and alimony.

To establish the city court of Eufaula ;

To give the orders, judgments and decrees of the courts of probate, the effect of orders and decrees of a court of general jurisdiction when they are collaterally assailed ;

To repeal an act entitled an act to increase the fees of judges

of probate and other public officers of this State, approved December 7th, 1863 ;

To fix the pay of grand and petit jurors in this State.

It has passed the following House bills :

To authorize the court of county commissioners of Shelby county to issue bonds, &c., to raise money to pay for building a jail ;

To incorporate the Mount Zion Methodist Church in Perry county ;

To authorize John R. Hubbard, guardian of Thomas Mahala and Henry Byrd, to dispose of a certain tract of land therein named ;

To authorize the judge of probate of the county of Morgan to order private sale of certain lands therein named ;

To repeal an act entitled an act to regulate interest upon debts, in payment of which Confederate Treasury notes may be tendered and refused, approved 17th November, 1862 ;

To amend section 3721 of the code in relation to the writ of *habeas corpus*.

It has amended as therein shown, and passed, the House bill

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color.

M. TAUL, Secretary.

Bills were introduced by—

Mr. Robinson, of Chambers, to repeal in part an act therein named ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Morse, joint resolution in relation to adjournment ;

Which was read once, and the House refused to suspend the constitutional rule, in order to give it a second reading for the with. Ordered to second reading on to-morrow.

By Mr. Smith, of Choctaw, to prevent the sale of ardent or intoxicating spirits within three miles of Bladon Springs, in Choctaw county ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The hour of twelve having arrived,

On motion of Mr. Tompkins, the orders of the day were suspended, to continue the call of the counties.

Bills were introduced by—

Mr. Smith, of Choctaw, to provide for the establishment of poor houses for the benefit of freedmen ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Gibson moved to amend by striking out "freedmen" wherever it occurred in the bill, and insert "persons of color."

Mr. Cobb moved to amend this amendment, by adding after the word "color" the words "of African descent." Adopted.

And the amendment as amended was adopted.

Mr. Ashford offered the following amendment, which was adopted.

Insert at the end of the 5th section this proviso: "*Provided*, That persons of color as named herein shall be taxed by the State for the defraying of all expenses as well as whites."

Mr. Hare offered the following amendment, which was adopted:

"SEC. 6. *Be it further enacted*, That the Court of County Commissioners of the several counties of this State be empowered, and they are hereby authorized at their first court after the approval of this act, or as soon thereafter as practicable, to levy a tax on all male persons of color of African descent, between the ages of 21 and 50 years, sufficient to support the paupered persons of color in their counties.

"SEC. 7. *Be it further enacted*, That the tax collectors of the several counties of this State shall pay over to the county treasurer all such taxes collected by them, to be appropriated by the Commissioners' Court to the support of said paupers."

Mr. Bankhead moved to amend by adding the following proviso, which was adopted:

"*Provided*, That no person of color of African descent, who has been disabled in the Federal army, be admitted to this poor house."

Mr. Richardson offered the following amendment;

"*Provided*, That the expenses of said poor house be defrayed by a special tax on the able-bodied persons of color of African descent of each county."

On motion of Mr. Bethea, the bill and amendments, were laid on the table.

Mr. Savage presented a report from the Probate Judge of Clark county, Alabama, of indigent families therein;

Which was referred to the committee on Destitution and Supply.

By Mr. Mabry, fixing the time of resumption of special payments by the bank of Selma;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Banks and Banking.

By the same, to preserve the chartered rights of the Broad Street Hotel company of Selma ;

By Mr. Thorn, authorizing the Court of County Commissioners of Franklin county to borrow money ;

By Mr. McAlexander, to amend an act entitled an act to authorize the Commissioners' Court of the county of Lauderdale, to issue Treasury Notes, to pay for building of important bridges, repairing of Court House, and other purposes, approved December, 14th, 1865 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Callaway, petition for the incorporation of the village of Ozark, in Dale county ;

Which was referred to the committee on Corporations, with instructions to report by bill or otherwise.

By Mr. Callaway, Joint Resolution in relation to printing the acts of the present General Assembly ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Public Printing.

By Mr. Warren, to authorize the distillation of grain and paying tax therefor ;

By Mr. McAlexander, to amend one hundred and sixty-nine of the Code ;

Which were each read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Goodwin, to incorporate the Alabama and North Western Oil Company ;

Mr. Richardson, to incorporate American Immigration and Land Company ;

Which were each read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

By Mr. Padgett, the following resolution, which lies over one day under the rule :

*Resolved*, For the remainder of the session, this House shall meet at 2 o'clock, p. m. ; and every other evening to meet at 3 o'clock, p. m. , and adjourn at 5 o'clock, p. m. ; evening sessions to be for the purpose of taking up general orders, and the call of the counties ;

By Mr. Bourland, for the relief of Thomas McCorkle, late Tax Assessor of Lauderdale county ;

Which was read the first and second times, under a sus-



pension of the constitutional rule, and referred to the Committee on Claims and Accounts.

By Mr. McAlexander, joint resolutions;

Which the Speaker decided out of order.

Mr. McAlexander appealed from the decision of the chair.

The House sustained the decision of the Speaker.

On motion of Mr. Ashford, the call of the counties was suspended to take up the Senate bill—

To authorize Charles Gibson, Judge of Probate for Lawrence county to administer on the estate of Benjamin F. Milam, deceased;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Clark, of Lawrence, the call of the counties was further suspended, to take up the Senate bill—

To authorize the administrators of the estate of Isaac Winston, jr., late of Lawrence county, to lease lands;

Which was read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

r. Raisler introduced a bill—

To amend section 1099 of the Code of Alabama, so far as the same relates to Limestone county;

Which was read the first, second and third times, under a suspension of the constitutional rule.

On motion of Mr. Raisler, the vote ordering the bill to its third reading was reconsidered, and it was referred to the Judiciary committee, with instructions to report on the first legislative day.

Mr. Richardson introduced a bill—

To procure artificial limbs for disabled soldiers, and or the education of the children of deceased soldiers;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee of five, to be appointed by the Speaker.

Leave of absence was granted to Messrs. Williams, of Randolph, and Yonge.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act for the relief of John F. Elliot, of Monroe county;

An act to amend the laws, incorporating the town of Montevallo, in the county of Shelby.

On motion of Mr. Smith, of Choctaw, the House adjourned till Monday morning, ten o'clock. •

MONDAY, January 29, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

The journal of Saturday was read, corrected and approved.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Echols, to make Elizabeth Ellis, of Macon county, a free dealer ;

Mr. Humphrey, to encourage the erection and repairs of buildings and machinery in the county of Madison ;

Mr. Humphrey, to authorize the Commissioners' Court of Madison county to establish gates on the public roads of said county ;

Mr. Ledbetter, to prohibit the Court of County Commissioners for Madison county, from levying a greater tax than fifty per cent. on the State tax for county purposes for the year 1866 ;

Mr. Bankhead, for the relief of A. Wax, of Marion county ;

Mr. McMillan, to make Jane P. Lyon, of Monroe county, a free dealer ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Ledbetter, to make an appropriation to erect a suitable monument over the grave of Canada Butler, late member of the House of Representatives, who departed this life in this city, December 12th, 1862 ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Padgett, the blank was filled by inserting the words, "fifty-five."

The constitutional rule being further suspended, the bill was read the third time, and passed.

Yeas, 81; nays, 2.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cox, Culver, Davis of Barbour, Dobson, Echols, Edwards, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goodwin, Grant, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McKinstry, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter,

Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Waller, Warren, Williams of Jackson, and Willhite—78.

NAYS—Messrs. Lindsey, McCoy of Tallapoosa, and Vansandt—3.

Mr. Manasco, for the relief of the people of Walker county, and for other purposes ;

Which bill was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. McKinstry, from the Judiciary Committee, reported favorably, with an amendment, to the bill,

To amend section 1999 of the Code of Alabama, so far as the same relates to Limestone county ;

Amend by inserting after the word "Alabama," in the 7th line, of the 1st section, the following :

"All enclosures and fences, must be at least five feet high, and if made of rails, well staked and ridged, or otherwise sufficiently locked; and from the ground to the height of every three feet, the rails not more than 4 inches apart ; or if made of palings the palings not more than three inches apart ; or if made with a ditch, such ditch must be four feet wide at the top, and the fence, of whatever material composed, at least five feet high from the bottom of the ditch, and three feet from the top of the bank, and so close as to prevent stock of any kind from getting through."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Bills were introduced by—

Mr. Ledbetter, to impose a fine on negroes and mulattoes failing to work on public roads ;

Mr. Tompkins, to amend the city charter of Mobile so as to authorize the establishment of the office of inspector of gas metres for said city ;

By the same, to define and regulate the liability of common carriers ;

By the same, to amend an act entitled an act to provide for the registration of the names of steamboat owners, approved February 15, 1854 ;

By the same, to encourage immigration ;

Mr. Bethea, to authorize Wm. R. Pickett, administrator of the estate of Albert J. Pickett, deceased, to sell certain lands belonging to said estate at private sale ;

By the same, to fix the liability of common carriers ;

Mr. Freeman, granting a stay of execution on all judgments and decrees of the several courts of this State ;

Mr. Moore, of Perry, to amend sections 2815 and 2867, of the code of Alabama ;

By the same, to authorize registers in chancery to appoint receivers ;

Mr. Lanier, to amend article 1215 of the code of Alabama ;

Mr. Goldthwaite, to amend section 3570 of the code of Alabama so as to prevent the receipt of certificates of State's witnesses in payment of fines and forfeitures ;

Mr. Goldthwaite, to re-enact section 3536 of the code of Alabama, which provides that no entry of indictment upon the minutes shall be made at the first term ;

Mr. Owens to protect lumber dealers ;

Mr. Leeper, to increase the jurisdiction of the judges of probate in certain cases ;

By the same, to repeal an act entitled an act to amend section 1143 of the code ;

By the same, to repeal an act raising solititors' fees, &c.

Mr. Ash, to regulate contests of election in certain cases ;

By the same, to confer additional jurisdiction on the judges of the probate court of this State ;

By the same, to amend section 1953 of the code, fixing liability of judges of probate for improperly issuing marriage license ;

By the same to regulate the payment of county claims ;

Mr. Hare, for the relief of P. G. Nash, general administrator of Sumter county ;

By the same, for the support of pauper persons of color in this State ;

By the same, to exempt certain property therein named from levy and sale under any legal process, in this State ;

Mr. Cooper, to protect legal representatives, guardians and trustees, and other persons acting in a fiduciary capacity, &c. ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

On motion of Mr. Bankhead, the call of the counties was suspended to allow him to offer the following resolution, which was adopted :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency, justice and propriety of passing a bill to relieve county superintendents of education in all cases in which they have received Confederate money in good faith,

proof being made of this fact, and that they report by bill or otherwise at an early day.

Bills were introduced by—

Mr. Sheffield, to authorize Mahala C. Butts, of Marshall county, to marry again at any time before the expiration of three years;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Manasco moved to amend by adding the name of “ Elizabeth Morris, of Walker county.”

Adopted.

Mr. Thrasher moved to amend by adding the name of James T. Hubbard, of Tallapoosa county.

Adopted.

The bill as amended was referred to the Judiciary Committee.

Message from the Senate by Mr. Garrett:

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To compensate W. C. Allen and A. J. Walker for servant hire;

To form a new county, to be called the county of Bullock, out of portions of Macon, Pike and Montgomery counties;

To provide blank books for records in certain cases;

To repeal articles II. and III. of chapter 4, Title 13, part the 1st of the Code of Alabama, and sections 3287 and 3289;

To provide adequate compensation to the clerk of the Supreme Court;

To declare Caroline Moore a free dealer;

To repeal an act entitled “ an act to increase the compensation of the members of the Commissioners’ Court for Pike and other counties named,” approved October 7, 1864.

And has passed the following House bills :

To repeal an act, approved February 13th, 1855, entitled an act to increase the amount of tax on peddling in the county of Pike;

To authorize the election of an additional constable in beats 4 and 5 in the county of Montgomery;

To provide for the safe-keeping, distribution and exchange of the Supreme Court Reports.

M. TAUL, Secretary.

Bills were introduced by—

Mr. Clark, of Mobile, to incorporate the Mobile and Alabama Grand Trunk Railroad Company;

The same, to incorporate the Mobile and Western Railroad Company.

Mr. Tompkins, to amend an act to incorporate the factors and Grocers Marine and Fire Insurance Company of Mobile, approved Dec. 4th, 1863;

By the same, to revive an act incorporating the Mobile and Three Mile Creek Plank Road Company;

By the same, to incorporate the Bienville Water Works for the City of Mobile;

By the same, to incorporate the Bienville Gas Light Company, for the City of Mobile;

Mr. Moore, of Perry, to incorporate Stonewall Institute, in Perry county, Alabama;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Clark, of Mobile, a memorial of the Sheriff of Mobile county;

Which was read, and referred to the Committee on Judiciary.

Mr. Tompkins, by leave, offered the following resolution;

Which was adopted;

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of a general recodification of the laws of the State, to revise, digest, and promulgate all public statutes, embracing the organic law, ordinances of the Convention, acts of the General Assembly, and the existing laws, both civil and criminal, in strict accordance with the requirements and provisions of section 27, of article 4 of the constitution, and report by bill or otherwise.

Bills were introduced by—

Mr. Tompkins, for the relief of the Fire Department of the the city of Mobile;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Tompkins, to incorporate the Commercial Savings' Company of Mobile;

By the same, to incorporate the Deposit Savings' Bank of Mobile;

By the same, to charter the National Savings' Bank of Mobile;

Mr. Bethea, to amend an act to extend the charter of the Central Bank of Alabama ;

Which were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Bethea, to authorize the Governor to make settlement with Lehman & Bro., for wire furnished in 1864 and 1865 ;

Mr. Freeman, for the relief of S. M. Morrow, Solicitor for the 4th judicial circuit ;

Mr. Thrasher, for the relief of A. H. Slaughter, of the county of Tallapoosa ;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Freeman, to regulate the toll of grist mills in this State ;

Mr. McCoy, of Randolph, to authorize Horace King to make a turnpike road in the town of Girard, in Russell county ;

Mr. Thrasher, for the relief of James Berry, of the town of Dadeville, Tallapoosa county ;

Mr. Hawthorne, to re-establish the lines of Ackerville beat, in Wilcox county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and passed.

Mr. Freeman, joint resolution to adjourn February 10th. proximo ;

Which was read once, and laid on the table.

The hour of twelve having arrived,

On motion of Mr. Moore, of Perry, the orders of the day were postponed to continue the call of the counties.

Mr. Moore, of Perry, by leave, offered the following resolution, which was adopted :

*Resolved*, (the Senate concurring.) That the two houses will meet in convention in the hall of this House, on Wednesday, the 31st instant, at 12 o'clock m., to elect trustees for the State University to fill the vacancies reported by said board of trustees.

Mr. Hare introduced a bill, to aid the University of Alabama, and to provide a fund for the support of indigent families of deceased soldiers ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee to be appointed by the Speaker.

Also, a bill to require persons hiring colored laborers to furnish them with a sufficiency of good and wholesome food ;

Which was read the first and second times, under a sus-

pension of the constitutional rule, and referred to the Committee on Freedmen.

Mr. Hare, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the legality and expediency of a general bankrupt law, and report at an early day, by bill or otherwise.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

An act for the relief John F. Elliott of Monroe county ;

An act to amend the laws incorporating the town of Montevallo, in Shelby county ;

An act to authorize the county commissioners of Shelby county to issue bonds, &c., to raise money to pay for building a jail ;

An act to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land therein named ;

An act to incorporate Mt. Zion Methodist Church in Perry county.

Mr. Hawthorne, by leave, offered the following resolution, which was adopted :

WHEREAS, Jefferson Davis, once President of the Confederate States, and as such, commander in chief of their army and navy, has, by the fortunes of war, become a prisoner in the hands of the Federal authorities ; and, whereas, the army and navy which he commanded have been surrendered or destroyed, and the government over which he was placed by the united voice of the Southern people, has been utterly overthrown ; and, whereas, the people themselves, have, with the most remarkable unanimity and quietness, submitted to the great changes which have taken place, and with but few exceptions, accepted the Executive clemency and renewed their allegiance to the old government ; and whereas, all armed opposition to the Federal Government by the Southern people has ceased ; Therefore,

Sec. 1. *Be it resolved by the House*, That while we have in good faith, and without a murmur, submitted to the Federal authority—though standing in the midst of our broken alters and desolated homes—and though looking upon the graves of our children, and the ashes of our former greatness—yet we cannot as brave men, and as christian men, stand by and see a great and powerful government wreaking its vengeance upon a poor, feeble old man, whose offense is no greater than that of



any other good citizen of the South, without protesting against such an ungenerous and unchristian like course.

*Be it further resolved,* That the Government of the United States having overcome all armed resistance to its authority, and the people of the South having submitted with scarcely a murmur, it is the duty of the government, as representing a great and victorious people, to be magnanimous and forgiving—to win back the affections of the Southern people, by opening the prison doors of their former President, and all others who are imprisoned for opinion's sake, and by restoring to us all the rights, social, pecuniary and political, which we once enjoyed under the constitution of our fathers.

And, believing, as we do, that his Excellency Andrew Johnson, the President of the United States, will not turn a deaf ear to the united cries of a whole people, and to the wishes and prayers of all christian nations, therefore—

*Be it further resolved,* That we earnestly invite and urge upon all public bodies, both religious and political in the South and at the North, in England, France and Germany, and wherever patriotism is known, and the God of the christian is worshipped, to express their sympathy, for our suffering and imprisoned President, and to implore the Federal Executive, for the sake of humanity, and the honor of the christian people over whom he rules, to strike off the chains and throw open the prison doors of Jefferson Davis, and all others who are imprisoned for similar causes, and restore to us the constitution and laws of our fathers, and thus write everlasting gratitude upon the hearts of the Southern people.

*Be it further resolved,* That a copy of these resolutions be sent to the President of the United States, and one to Mrs. Jefferson Davis.

The resolution offered by Mr. Padgett to alter and fix the time for the daily meeting and adjourning of the House, was taken up, and amended to read as follows:

*Resolved,* For the remainder of this session, this House shall meet at 9½ a. m., and adjourn at 1½ o'clock, p. m. Meet at 3 o'clock, p. m. and adjourn at 5 o'clock p. m.

Mr. Moore, of Perry, offered the following resolution, by leave, which was adopted:

*Resolved,* That the House now proceed to the consideration of the Senate messages, and that all other business be suspended until they are disposed of.

Mr. Echols moved to reconsider the vote by which the resolution was adopted;

Lost.

The House concurred in the Senate amendment to the House bill.

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color.

The Senate bills—

To repeal an act entitled an act to increase the pay of county officers of Clark county, &c., approved November 28th, 1863 ;

To authorize the Commissioners' Court of the county of Jefferson to appoint apportioners and overseers of roads, at their first term in February, 1866 ;

To amend an act entitled an act to incorporate the Central City Insurance Company, approved November 28th, 1863 ;

To authorize the Commissioners' Court of Jefferson county, to issue county bonds for the purpose of purchasing corn, and building a jail for said county ;

For the relief of John W. Kemp and Robt. W. Kemp ;

To fix the time for holding the general elections in this State ;

For the relief of Samuel D. Williams, of the county of Jefferson ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To incorporate the Central Mining and Petroleum Company ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the State Capitol and Penitentiary.

The Senate bill—

To prevent Trespasses ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. McKinstry moved to add the county of Mobile

On motion of Mr. Padgett, the bill and proposed amendment were referred to the Judiciary Committee.

The Senate bill—

Legalizing the marriage of Daniel L. Logan and Martha Musgrove, residents of Marion county,

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Grant moved to postpone the further consideration of the bill.

Lost.

It was then referred to the Judiciary Committee.

The Senate bill—

To revive and continue in force an act approved December

12th, 1849, entitled an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, and for other purposes,

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.

The hour of half-past one o'clock having arrived, the House adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION—3 o'clock, p. m.

The House met pursuant to adjournment.

The Senate bill—

For the relief of the Sheriffs of this State,

Was read a first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bills—

To amend an act entitled an act to incorporate the Selma Savings' Company, approved Dec. 10, 1864 ;

To incorporate the Montgomery Savings' Bank, at Montgomery ;

To amend the charter of the Central City Insurance Company ;

To incorporate the Planters and Merchants Mutual Insurance Company, of Mobile ;

To alter and amend an act to incorporate the town of Union Springs, in Macon county ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bills—

For the relief of Allen J. Driver, former jailor of Chambers county ;

For the relief of William Johnson, of Tuscaloosa ;

To provide for paying the expenses incurred in the inaugurative of the Governor ;

For the relief of A. Strassburger, of Montgomery ;

For the relief of John Callahan, of Montgomery ;

To pay the jailor of Pickens county ;

Which bills were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bills—

To revive the act incorporating the town of Pickensville ;

To incorporate the Perry Insurance and Trust Company

To authorize the Probate Court of Morgan county to order the private sale of certain lands therein named;

To amend the charter of the city of Tuscaloosa;

To authorize the Secretary of State to furnish books to the Solicitor of the 4th Judicial Circuit;

To repeal an act entitled an act to increase the compensation of the members of the Commissioners Court for Pike and other counties named, approved Oct. 7, 1864;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To repeal an act in relation to the toll at Wetumpka Bridge;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Roads and Highways.

The Senate bills—

To re-organize and fix the times of holding the Courts of Chancery in the Middle Chancery Division;

For the relief of Pyramus C. Winn, of the county of Perry and to permit him to marry;

To obviate technical objections to venire in the trial of capital offences;

To explain the meaning and intent of an act more effectually to prevent the offences of grand larceny, arson, and burglary, passed at the present session of the General Assembly, approved Dec. 15, 1865;

To repeal an act entitled an act to extend the criminal laws of this State, applicable to free persons of color, to freedmen, free negroes, and mulattoes, passed at the present session of this General Assembly;

To amend section 1961 of the code of Alabama, in relation to divorce and alimony;

To repeal an act entitled "an act to increase the fees of judges of probate and other public officers of this State," approved December 7th, 1863;

To fix the pay of grand and petit jurors in this State;

To give the orders, judgments, and decrees of the courts of probate, the effect of orders, and decrees of a court of general jurisdiction when they are collaterally assailed;

To amend the first clause of section 711 of the code, so as to extend the civil jurisdiction of justices of the peace to one hundred dollars;

To establish the city court of Eufaula;

To repeal articles II. and III., of chapter 4, title 13, part 1,

of the Code of Alabama, and sections 3287 and 3289;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate bill,

To declare William A. Graves, (a liner between the counties of Chambers and Tallapoosa,) a citizen of Chambers county, and to change the line between said counties ;

Was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The Senate bills,

To repeal an act, entitled "an act to repeal an act to direct the binding of certain copies of the acts of the General Assembly," approved February 15th, 1854;

Requiring the Secretary of State to have printed certain acts therein named ;

Were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Public Printing.

The Senate bill,

To amend the tenth section of an act entitled "an act to incorporate the Northern Bank of Alabama," approved 10th February 1862, referring to directors ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The Senate bill,

To authorize the Governor to have the Capitol building covered or refitted ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Penitentiary and State Capitol.

The Senate bill to declare Caroline Moore a free dealer,

Was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Bethea, it was made the special order for Wednesday next, 12 o'clock m.

The Senate bill to provide adequate compensation to the clerk of the Supreme Court ;

Was read the first and second times, under a suspension of the constitutional rule, and made the special order for Wednesday next, at 11 o'clock a. m.

On motion of Mr. Echols, the vote adopting the resolution relating to altering and fixing the time of meeting and adjourn-

ing of the House in its daily sessions, was reconsidered.  
Yeas 45 ; nays 31.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Callaway, Chapman, Cobb, Cox, Culver, Dobson, Echols, Edwards, Ellis, Frazer, Gibson, Hand, Hare, Leeper, Lindsey, McAlexander, McCain, McCann, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odum, Oliver, Owens, Palmer, Pierce, Raisler, Reese, Richardson, Sheffield, Smith of Choctaw, Thrasher, Williams of Jackson, and Worthy—45.

NAYS—Messrs. Ashford, Bourland, Clark of Lawrence, Connelly, Davis of Barbour, Davis of Bibb, Doster, Faulk, Freeman, Grant, Hawthorne, Henry, Lanier, Lawrence, Ledbetter, McBee, McCoy of Russell, McKinstry, McLester, Morse, Padgett, Pipkin, Plowman, Potter, Robinson, of Chambers, Smith of Jackson, Stringer, Thorn, Tompkins, Vansandt and Warren—31.

On motion of Mr. Bethea, the resolution was laid on the table.

The Senate bill to provide blank books for the records in certain cases,

Was read the first and second time, under a suspension of the constitutional rule, and ordered to a third reading.

The Senate bill, to compensate W. C. Allen and A. J. Walker, for servants hire ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Bethea moved to amend as follows : By adding after the words "Sixty-four dollars," the words, "to J. W. Keys one hundred and twenty dollars."

Adopted.

The bill as amended, was referred to the committee on Accounts and Claims.

The Senate bill, to form a new county to be called the county of "Bullock," out of portions of Macon, Pike and Montgomery counties ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on County Boundaries.

Mr. McCoy, of Russell, gave notice, that he would move to reconsider on to-morrow the vote by which the House referred to the committee on County Boundaries, the Senate bill, to declare Wm. M. Graves, a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the county line between said counties.

Mr. Reese introduced a bill, to authorize a Lottery for the education of disabled soldiers and their children ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Special Committee to be appointed by the Speaker.

Mr. Morse introduced joint resolutions, to authorize proceedings to be instituted to vacate the charter of the "Alabama and Mississippi Rivers Railroad" ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Morse moved to amend, by striking out the words "Alabama and Mississippi Rivers Railroad," and insert the words, "Selma and Meridian Railroad," in lieu thereof, where they occur in the title of the bill.

Adopted.

The bill as amended was referred to the Judiciary Committee.

Leave of absence was granted to Mr. Lawrence for ten days.

Mr. Bethea, from the Committee on Ways and Means, reported adversely to the

Joint resolution for the suspension of the collection of the taxes of Jackson county, for 1865 and 1866 ;

The report was concurred in.

Mr. Bethea, from the same committee, reported a substitute for the bill,

To allow crippled and disabled soldiers to peddle without license in the county of Tallapoosa ;

Which was adopted, read the third time, under a suspension of the constitutional rule, and passed.

Mr. Bethea, from the same committee, reported favorably with an amendment, to the bill,

For the relief of Levi Hinds, tax assessor of Madison county.

Amend by striking out "five hundred and two dollars and nine cents," and insert in lieu thereof, "Two hundred and ninety-six dollars and thirteen cents." Also, strike out "63."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Palmer, from the select committee to whom was referred the bill,

To continue and complete the collection of the records of Alabama soldiers in the late war ;

Reported favorably to its passage. It was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Echols,

The House adjourned till ten o'clock to-morrow morning.

TUESDAY, January 30, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Mitchell.

The reading of the journal was dispensed with.

Leave of absence was granted to Mr. Crenshaw.

On motion of Mr. Mabry, the vote by which the House passed the bill,

To amend the charter of the Alabama and Tennessee Railroad company ;

Was reconsidered, and the vote ordering the bill to a third reading, was also reconsidered.

Mr. Mabry moved to amend by striking out the caption, and first section, and inserting in lieu thereof, the following :

“To amend certain sections of the charter and amended charter of the Alabama and Tennessee River Rail Road Company, and to enlarge the powers of said company ;

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second, third and fourth sections of the act entitled “an act to incorporate the Alabama and Tennessee River Rail Road Company,” approved March 4th, 1848; which are as follows ; after the enacting classes, to-wit :

SEC. 2. That the capital stock of said Rail Road Company may be one million of dollars, in shares of twenty-five dollars each ; with the privilege of increasing to one million and a half, should such increase be found necessary for its construction and future management.

SEC. 3. That said Rail Road shall extend from some point on the Alabama river, at or near the town of Selma, in the county of Dallas, to some convenient point on the Tennessee and Coosa Rail Road, and may and is hereby authorized to connect with the same.

SEC. 4. That so soon as one hundred thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns shall be and they are hereby declared to be incorporated into a company by the name of the Alabama and Tennessee Rail Road Company, and by that name shall be capable in law, of purchasing holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation ; and by the said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or elsewhere ; and may have and use a common seal, and the same to alter and amend at pleasure ; to pass such by-laws, rules and ordinances



for the good government of said incorporation as to them shall seem proper, and generally to do all things necessary to carry into effect, full and completely, the objects of this act”;

And the sixth section of the act entitled “an act to amend the charter of the Alabama and Tennessee River Rail Road Company,” approved February 10th, 1852; which said sixth section, after the enacting clause, is as follows, to-wit: “That to remove all doubts which may exist as to the powers of the Board of Directors of said Company, the said Board of Directors shall be and they are hereby authorized and empowered to issue bonds in the name and on the faith and credit of said company, in such form and payable in such time, and bearing such rate of interest, (not exceeding eight per cent. per annum,) payable annually or semi-annually, as the Board of Directors may prescribe; and the said Board of Directors shall also have full power and authority to negotiate, pledge, hypothecate or sell the promissory notes, or bond, or bonds, or obligations of any person or persons, or any other body corporate, of which said Board of Directors may have control, and to secure the payment of any bond or bonds or other obligation of said Company, full power and authority is hereby given to the Board of Directors of said Company, to pledge in such form as the Board of Directors may think proper, by resolution or mortgage, or deed of trust, or otherwise, all the means, property and effects of said Company, or any part thereof, including subscriptions to the capital stock of the Company; and any pledge so made by the Board of Directors, whether by resolution or mortgage, or deed of trust, or other form of contract, shall be valid and effectual to all intents and purposes. All duties required by this act, or the act to which this is an amendment, to be performed by a sheriff, may be performed by the deputy of such sheriff,” be, and the said sections of said acts are, by this act, amended, as hereinafter enacted; and the powers and privileges in addition to those conferred in and by the sections and acts aforesaid, and other existing acts, relating to the said Rail Road Company, specified in the subsequent sections of this act, are hereby conferred upon said Company.”  
Adopted.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Taul:

*Mr. Speaker:*

The Senate has originated and passed a bill—  
To incorporate the city of Mobile.

On motion of Mr. Tompkins, the business before the House was suspended, to take up the Senate bill—

To incorporate the city of Mobile ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Meador, the action of the House was reconsidered, referring to the Committee on County Boundaries the bill—

To declare Wm. Graves, a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the county line between said counties.

The bill was then read the third time, under a suspension of the constitutional rule, and, a constitutional majority not voting in favor of the passage of the bill, it was lost.

Yeas, 61 ; nays, 4.

YEAS—Messrs. Speaker, Bankhead, Bethea, Bourland, Brandon, Bush, Caffey, Chapman, Cotton, Cox, Culver, Davis of Barbour, Dobson, Doster, Edwards, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Henry, Lanier, Ledbetter, Malloy, Manasco, McBee, McCann, McCoy of Russell, McLester, McVillan, Meadors, Morse, Odum, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, and Worthy—61.

NAYS—Messrs. Callaway, Lawrence, Lindsey and McCoy of Tallapoosa—4.

On motion of Mr. Reese, the vote by which the bill was lost, was reconsidered, and the question recurring on its passage, it was passed.

Yeas, 79 ; nays, 8.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Cobb, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Faulk, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, and Worthy—79.

NAYS—Messrs. Echols, Lawrence, Lindsey, Mabry, McCoy of Tallapoosa, Morse, Smith of Choctaw and Thrasher—S.

Message from the Senate by Mr. Taul :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

Authorizing the courts of county commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate army to peddle free of tax in their respective counties ;

To authorize the courts of probate of Mobile county to take jurisdiction over the estate of John G. Aiken, deceased ;

To establish a medical board in the counties of Washington and Choctaw ;

To incorporate the “ Warrior Petroleum Company ;”

To amend the charter of Memphis and Charleston Railroad Company ;

To incorporate the Eufaula Gas Light Company ;

For the relief of executors, administrators, guardians and trustees ;

To provide for taking the census of the State of Alabama for the year 1866, as ordered by ordinance of the convention, 1865.

The Senate has passed the following House bills :

Authorizing the court of county commissioners of Franklin county to borrow money ;

For the relief of certain officers in the county of Autauga ;

To preserve the chartered rights of the Selma and Gulf Rail Road Company ;

To authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes ;

To declare Mary E. Lawrence, wife of Wm. E. Lawrence, of the county of Chambers, a free dealer ;

To incorporate the Medical and Surgical Society of the city of Montgomery ;

To incorporate the Pioneer Petroleum Mining Company ;

To preserve the chartered rights of the Broad Street Hotel Company of Selma ;

On motion of Mr. Bethea, the call of the counties was suspended to receive reports from Committees.

Mr. McKinstry, from the Judiciary Committee, reported favorably with an amendment to the bill,

To authorize the Governor to negotiate a temporary loan.

Amend as follows : After the words “to secure the,” in the

eighth line of the first section, add "loan and may draw an order or orders on the Treasurer of the State, or make such arrangements for its re-payment as may be necessary, according to the terms of the contract for the loan," and strike out the second and third sections.

The amendments were adopted, the bill was read a third time, under a suspension of the constitutional rule, and passed.

Ayes, 79.

YEAS—Messrs. Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Cobb, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Lawrence, Ledbetter, Leeper, Lindsey, Mabry, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Moore of Coffee, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, and Williams of Jackson—79.

The bill was ordered forthwith to the Senate.

Mr. McKinstry from same committee, reported a substitute for the bill,

To continue in force, and enlarge an ordinance of the Convention of the State of Alabama, adopted the 30th day of September, 1865, granting a stay of execution on all judgments and decrees of the several courts of this State ;

Granting a stay of execution on all judgments and decrees of the several courts of the State ;

To regulate the collection of debts in the State of Alabama, contracted prior to 1st May, 1865 ;

For the protection of both debtor and creditor ;

To stay judicial proceedings in the State of Alabama ;

To stay all the debts in the State of Alabama, with the amendments thereto ;

Mr. Mabry moved that 133 copies of the substitute be printed, and that it be made the special order for Friday next, at 12 o'clock m. ;

Adopted.

Mr. McKinstry from the same committee, reported adversely to the bills,

For the relief of Elizabeth Pizzala, and

To require deeds, mortgages, and other instruments of wri-

ting for conveyance of property to be recorded before taking effect as to creditors and subsequent purchases without notice ;

The report was concurred in.

Mr. McKinstry from the same committee, reported favorably with an amendment, to the bill,

To incorporate the Alabama Mining, Manufacturing and Improvement Company ; amend by adding this section,

SEC. 5. *Be it further enacted*, That the office of said company shall be at Gainesville, Sumter county, and the president, secretary, and treasurer, and a majority of the directors of said company shall be residents and citizens of the State of Alabama ;

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith, of Choctaw, reported adversely to the bill,

To amend an act to authorize John Grant to cut or excavate a channel or canal through the shoal or reef which now obstructs the navigation between Dauphin Island and Cedar Point, in the county of Mobile ;

On motion of Mr. Grant, the further consideration of the report and bill was postponed till Saturday, 10 o'clock a. m.

Mr. McKinstry, from the same committee, reported favorably with an amendment, to the bill,

To ratify the issuance of change bills under certain circumstances ;

Amended by limiting its operations to Greene county.

Adopted.

Mr. Hare moved to amend by making its provisions applicable to Sumter county.

Adopted.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 40 ; nays 29.

YEAS—Messrs. Speaker, Bankhead, Bourland, Clark of Lawrence, Doster, Edwards, Ellis, Frazer, Freeman, Gafford, Goldthwaite, Hare, Hawthorne, Henry, Lanier, Leeper, Mabry, McCann, McCoy of Tallapoosa, McCoy of Russell, McKinstry, McLester, McMillan, Meadors, Morse, Owens, Pierce, Pipkin, Raisler, Reese, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Tompkins, Waller, and Worthy—40.

NAYS—Messrs. Borden, Bush, Chapman, Cobb, Cotten, Culver, Davis of Bibb, Echols, Lawrence, Ledbetter, Malone, Malloy, Manasco, McBee, McCain, Moore of Coffee, Odum, Oliver, Palmer, Padgett, Potter, Robinson of Baldwin, Robin-

son of Chambers, Steadham, Thrasher, Thorn, Vansandt, Walker—29.

SPECIAL ORDERS.

The first special order, being the bill,  
For the relief of the heirs of E. McGehee ;  
It was taken up, and ordered to a third reading on to-mor-  
row.

The next special order, being the bill,  
For the relief of C. A. Burns, late tax-assessor of Blount  
county ;

It was taken up, and

On motion of Mr. Gibson, laid on the table.

The next special order, being the bill,

To increase the salaries of Chancellors and Circuit Judges ;

It was taken up, and read the third time, under a suspen-  
sion of the constitutional amendment as an engrossed ryder to  
the bill :

Amend by adding the " Attorney General," and " Provided,  
That no Judge of any Circuit or City Court in this State be  
permitted to practice law." Lost.

Mr. Bethea, offered the following amendment, as an engrossed  
ryder to the bill :

Amend, by adding " That the salary of the Attorney Gener-  
al be, from and after the 1st day of January, 1866, the sum of  
one thousand dollars per annum, to be paid quarterly, as in case  
of Circuit Judges and Chancellors ;

Which was read the first, second and third times, under a  
suspension of the constitutional rule, and adopted.

The bill as amended, was then passed—Yeas 50, Nays 36.

YEAS—Messrs. Ashford, Bethea, Borden, Brooks, Callaway,  
Cox, Culver, Davis of Barbour, Dobson, Echols, Edwards, El-  
lis, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Goodwin,  
Grant, Hare, Hawthore, Henry, Lanier, Leeper, Mabry, McAl-  
exander, McCain, McCann, McCoy of Russell, McKinstry, Mc-  
Millan, Meadors, Morse, Odum, Owens, Pierce, Pipkin, Plow-  
man, Raisler, Reese, Richardson, Robinson of Baldwin, Robin-  
son of Chambers, Sheffield, Smith of Choctaw, Sturdivant,  
Tompkins, Waller, Whitfield, and Worthy—50.

NAYS—Messrs. Speaker, Ash, Bankhead, Bourland, Brandon,  
Bush, Caffey, Chapman, Clark of Lawrence, Cotten, Davis of  
Bibb, Freeman, Hand, Humphrey, Lawrence, Ledbetter, Lind-  
sey, Malone, Malloy, Manasco, McBee, McCoy of Tallapoosa,  
Moore of Coffee, Oliver, Palmer, Padgett, Potter, Savage, Smith

of Jackson, Steadham, Stringer, Thorn, Vansandt, Walker, Warren, and Williams of Jackson—36.

Message from Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate herewith returns, in accordance with the resolution of the House, the bill, to punish mal-practices by servants and employees of corporate companies.

M. TAUL, Secretary.

The Senate bills, to incorporate the Alabama Immigration, White Labor and Real Estate Agency Company ;

Was taken up, and read the third time.

Pending the discussion on the bill,

On motion of Mr. Thrasher, the House adjourned till 10 o'clock, to-morrow morning.



WEDNESDAY, January 31, 1866.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

The Journal of the 29th and 30th, was read and approved.

Leave of absence for the remainder of the session was granted to Mr. Faulk.

Mr. Bethea moved to reconsider the vote by which the House passed the bill to increase the salaries of Chancellors and Circuit Judges.

It was reconsidered.

On motion of Mr. Bethea, the vote adopting the engrossed ryder was also reconsidered, and it was laid on the table.

The bill was then passed.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that he has approved and signed acts which originated in this House, of the following titles, viz :

An act to change the time of holding the Circuit Court for Russell county, in the 9th Judicial Circuit;

An act for the relief of Wm. Taylor, of Montgomery county, and for other purposes relating to land warrants ;

An act for the relief of John T. Elliott, of Monroe county ;

An act to authorize the Commissioners' Court of Blount county to issue treasury notes for purposes therein specified;

An act to repeal in part an act to prohibit any person or persons from giving away, selling or offering for sale, any vinous or spirituous liquors within three miles of Lineville Baptist Church, in Shelby county, or within one mile of Hamburg, in Perry county;

An act to repeal an act to change the time of taking up the State dockets;

An act to repeal an act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson's Springs, and for other purposes;

An act to authorize James F. Bailey, late Judge of Probate of Perry county, to bring up and complete his records;

An act to authorize the Commissioners' Court of Madison county to borrow money for the support of the paupers of said county, and other purposes;

An act to authorize the city of Selma to issue its bonds for certain purposes;

An act to authorize the commissioners' courts of the counties of Greene, Sumter, and Covington to issue treasury notes to pay for the building of bridges, enlarging and repairing the jails, and for other purposes;

An act for the relief of Mace H. Gilbert, tax assessor of Limestone county;

An act for the relief of the administrator of the estate of Origen Sibley, deceased, late of the county of Baldwin;

An act to amend an act to regulate the payment of costs of prosecutions in criminal cases, in which the defendants may be insolvent, in the county of Montgomery;

An act to repeal an act entitled an act to prevent extortion, approved December 9, 1862;

An act to incorporate Mt. Zion Methodist Church in Perry county;

An act to authorize the county commissioners of Shelby county to issue bonds, &c., to raise money to pay for building a jail;

An act to authorize John R. Hubbard, guardian of Thomas Molala, to dispose of a certain tract of land therein named.

Mr. McKinstry, from the Committee on the Judiciary, reported adversely to the following bills:

To regulate suits for partition of real estate;

For the protection of estates of deceased persons, and for other purposes;

To authorize the Court of Probate to order the sale of personal property belonging to the estates of decedents;



To authorize the Judge of Probate of Sumter county to grant orders to privately rent the real estate of deceased persons and minors ;

To regulate judicial proceedings ;

To provide for the taking of testimony upon interrogatories in certain criminal cases ;

To more equally arrange the drawing of the grand jurors, so as to have two from each beat;

To tax amounts recovered and collected in suits in circuit and chancery courts ;

For the relief of the jailors of the State of Alabama ;

To limit the time in which decrees pro confesso may be taken ;

To protect attorneys and officers of court ;

To repeal sections 3273, 3274, and 3275, of the Code of Alabama, in relation to carrying concealed weapons ;

To determine the right to property in certain cases therein named ;

To prevent the manufacture and sale spirituous or of intoxicating liquors within one mile of any academy, school house or church in this State ;

To regulate the pay of clerks of circuit courts and sheriffs in criminal cases ;

To amend section 1747 of the code of Alabama ;

To amend an act for the reorganization of the State Penitentiary, approved December 5th, 1862.

To regulate the duties and define the liabilities of railroad companies ;

To prevent the propagation of contagious and infectious diseases amongst prisoners in the jails of the State of Alabama.

The report of the committee was concurred in.

Mr. McKinstry, from the same committee, reported a substitute for the bill,

To authorize persons who have executed attachments under military order, on sheriffs, who have or may have property so attached turned over to them by order of court to take replevy bonds for the same.

On motion of Mr. Bethea, the further consideration of the report, substitute and bill, was postponed till to-morrow, 12 o'clock m.

Mr. McKinstry, from the same committee, reported favorably to the following bills :

To form an additional district in the Southern Chancery Division ;

For the relief of the sheriff of Montgomery county ;

To authorize the commissioners' court of Morgan county to divide said county into four commissioners' districts ;

To regulate the time of holding the Chancery Court in the first District of the Southern Division of this State, and for other purposes therein named ;

Relating to the burnt and destroyed records and papers of Limestone county ;

Which were read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, asked to be discharged from the further consideration of the resolution, requesting that committee to enquire into the expediency of repealing the laws creating offices, or increasing the emoluments of officers, enacted from the 11th of January, 1861, to the last session in 1864.

The committee was discharged, as requested.

Mr. McKinstry, from the same committee, reported favorably with an amendment to the Senate bill—

To amend section 3107 of the Code, so as to make the penalty discretionary with the jury.

Amend by adding this proviso : "Provided, That this act shall not affect the trial of any person who had committed the offence herein named before its passage."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from same committee, reported adversely to the bill,

To render persons convicted of certain crimes incompetent to give testimony as witnesses.

The House refused to concur in the report of the committee.

Mr. McKinstry moved to amend as follows :

"Provided, That in all cases such persons may be heard under oath by the court or jury, and such court or jury shall determine as to their credibility."

On motion of Mr. Savage, the bill and amendment were laid on the table.

Yeas 54 ; nays 26.

YEAS—Messrs. Ash, Bankhead, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Goodwin, Grant, Hand, Henry, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCain, McCoy of Russell, McKinstry, McLester, Meadors, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Potter, Raisler, Richardson, Robinson of Chambers, Savage, Sheffield, Smith of

Choctaw, Steadham, Tompkins, Vansandt, Waller, Warren, Whitfield, and Williams of Jackson—54.

NAYS—Messrs. Speaker, Ashford, Callaway, Chapman, Crenshaw, Culver, Frazer, Gafford, Goldthwaite, Hare, Hawthorne, Humphrey, Judkins, Manasco, McAlexander, McCann, McCoy of Tallapoosa, McMillan, Pierce, Plowman, Robinson of Baldwin, Smith of Jackson, Stringer, Thorn, Walker, and Worthy—26.

Mr. Manasco, by leave, introduced a bill—

To protect the people of Walker county against fraud;

Which were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate amends the resolution of the House, proposing that the two Houses of the General Assembly meet in convention to-day at 12 o'clock, m., to elect trustees of the State University to fill the vacancies reported by the Board of Trustees, by striking out all after the word "University," and by inserting after the word "elect" the words "a full corps," and by striking out "to-day" and inserting "to-morrow."

M. TAUL, Secretary.

Mr. Edwards, by leave, introduced the following—

Joint resolutions prohibiting any new bills or business to be introduced in either House, after the 1st day of February.

On motion of Mr. Tompkins they were laid on the table.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has originated and passed the following bills :

To repeal an act to authorize the qualified voters of the city of Tuscaloosa to elect a city marshal, approved February 5th, 1840;

For the relief of James B. Farmer, late sheriff of Calhoun county ;

To incorporate the Franklin Oil and Mining Company ;

To incorporate the Governor's Guards;

To pay Messrs. Stone and Henry for printing;

Supplementary to an act entitled an act to incorporate the Southern Traveller's Insurance Company, approved December 15, 1865 ;

To authorize the Comptroller to settle with the Bank of Selma ;

To establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs;

To incorporate the Georgia and Alabama Petroleum, Mining and Manufacturing Company ;

To incorporate the Alabama Lumber and Manufacturing Company.

And has passed the following House bills :

To incorporate the German Association for the promotion and protection of German Immigration;

To authorize the Probate Judges of this State to settle the amounts due on estray bonds without suit;

To incorporate the Apalachian Oil, Coal, Mining and Manufacturing Company ;

For the relief of Lafayette Cooper, of Autauga county ;

To repeal an act therein named, which prohibits the retail of vinous or spirituous liquors within one mile of the town of Centre, in Cherokee county ;

To amend an act entitled an act to extend the charter of the Bank of Mobile;

To amend an act entitled an act to amend an act to incorporate the Southern Bank of Alabama.

And has amended as therein shown and passed the following House bills :

To incorporate the Cahaba and Mining Company ;

To compensate John W. Skipper for feeding prisoners, &c.;

To incorporate the North Alabama Oil and Mining Company.

M. TAUL, Secretary.

Mr. Smith, of Choctaw, from the select committee to whom was referred the bill—

To procure artificial limbs for disabled soldiers, and for the education of the children of deceased soldiers, reported favorably thereto.

Mr. Freeman moved to amend by striking all after the enacting clause, and inserting a substitute providing for the establishment of a manufactory of artificial limbs, to be distributed gratuitously to Alabama soldiers who have lost their limbs in the service and defense of the State during the late war.

The hour of twelve having arrived, on motion of Mr. Reese, the orders of the day were suspended, to dispose of the bill under consideration.

Mr. Reese called for the previous question.

Mr. McKinstry moved to lay the bill and substitute on the table.

Lost.

Mr. Reese withdrew his call for the previous question.

Mr. Mabry moved to commit the bill and substitute to the Judiciary Committee.

Mr. Goodwin moved to adjourn till to-morrow morning ten o'clock.

Lost.

The bill and substitute were referred to the Judiciary Committee.

On motion of Mr. Goodwin the House adjourned till ten o'clock to-morrow morning.

---

THURSDAY, February 1st, 1866.

The House met pursuant to adjournment.

Prayer, by Rev. Mr. Callaway.

Mr. Goodwin moved to postpone the reading of the journal.

Lost.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Hawthorne and Mr. Clark, the Door-keeper.

On motion of Mr. Whitfield, the business before the House was suspended, to take up the resolution of the House relative to the election of Trustees of the State University, which the Senate had amended.

The Senate amendments were concurred in.

Mr. Smith, of Jackson, moved to suspend the business before the House, to enable Messrs. Cox, Judkins, McCoy of Russell, and himself to introduce bills.

Lost.

Mr. Tompkins moved to suspend the call of committees to have the counties called.

Lost.

Mr. Gibson offered the following amendment to the rules of the House, which lies over one day under the rule :

Strike out rule 10th of printed rules and insert the following: "Rule 10th. Upon the demand of five members, the yeas and nays shall be recorded on any question when the names of the members shall be called alphabetically and each member shall answer from his seat."

Mr. Smith, of Choctaw, from select committee, reported favorably, with an amendment, to the bill—

To aid the University of the State of Alabama, and to provide a fund for the support of indigent families of deceased soldiers,

Amend by substituting the following for the 3d section of the bill:

SEC. 3. *Be it further enacted*, That a correct account of the net proceeds of said lottery shall be kept, and the same divided into three equal parts, to-wit: on the 1st day of January of each year, and two-thirds thereof shall be paid to the State Treasurer, to be equally divided for the purposes set forth in the 1st section of this act.

This amendment was adopted, and the bill referred to the Committee on the Judiciary.

Mr. Smith, of Choctaw, from the same committee, reported favorably to the bill,

To authorize a lottery for the education of disabled soldiers and their children.

The bill was referred to the Judiciary Committee.

Mr. McKinstry, from the Judiciary Committee, reported favorably to the bills—

For the relief of county Superintendents of Education ;

To repeal an act entitled an act to repeal certain acts regulating judicial proceedings, and for other purposes ;

To legalize marriages that took place within the Federal military lines during the occupation of the State by the enemy, between the 11th day of April, 1862, and the 1st day of July, 1865 ;

Which were severally read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Smith, of Choctaw, from the same Committee, reported favorably, with an amendment, to the bill—

To amend section 2313 of the Code of Alabama ;

Amend the proviso to the bill as follows : “*Provided*, The oath of the defendant provided for by said section, may be made by any President, Director or stockholder of said corporation, having personal knowlege of the facts, and shall have the same effect as the oath of the defendant in cases against private persons.”

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from same committee reported adversely to the bill—

To impose a fine on negroes and mulattoes failing to work public roads ;

To abolish the State Penitentiary, and for other purposes.

The Report was concurred in.

Also, adversely to legislating on the subject referred to, in the resolution of instruction to that committee, to inquire into the expediency and legality of a general bankrupt law.

The report was concurred in.

Also, adversely to legislating on the subject referred to in the resolution of instruction to that committee, relative to regulating and fixing the *present* value of notes, drafts, bills of exchange, accounts or other evidences of debt.

The report was concurred in.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has originated and passed the following bills :

To alter and amend section six, of an act to incorporate the town of Union Springs in Macon county ;

To incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its Library and establishing a Scientific Museum ;

And has passed the following bills :

To incorporate the Rock Mills Manufacturing and Lumber company ;

To authorize the Governor to negotiate a temporary loan for the use of the State.

M. TAUL, Secretary.

Mr. McKinstry, from the same committee, reported favorably to the bill, to define the status of persons of color, and other persons in Alabama ;

Which was read the third time, under a suspension of the constitutional rule ;

When, on motion of Mr. Bethea, it was laid on the table—  
Yeas 60, Nays 20.

YEAS—Messrs. Speaker, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Crenshaw, Culver, Davis of Barbour, Frazer, Gafford, Gibson, Goldthwaite, Hare, Henry, Humphrey, Judkins, Lanier, Ledbetter, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Reese, Robinson of Baldwin, Robinson of Cham-

bers, Savage, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Walker, Warren, and Williams of Jackson—60.

NAYS—Messrs. Ash, Ashford, Brooks, Cobb, Connely, Davis of Bibb, Dobson, Doster, Echols, Edwards, Goodwin, Grant, Hand, Leeper, Malloy, McCann, McKinstry, Oliver, Tempkins, Waller, Whitfield, and Worthy—22.

Mr. McKinstry, from same committee, reported favorably to the bill,

To incorporate the Jay Creek Academy, in the county of Autauga ;

Which was read the third time, under a suspension of the constitutional rule and passed.

Also, adversely to the bill,

In reference to settling unfinished business in the bounds of new counties, and the payment of costs, before cases are removed from an old to a new county ;

To regulate the settlement and distribution of estates of minors, who die before reaching the age of eighteen years.

The report was concurred in.

Also, favorably, with an amendment to the bill,

To repeal an act to prevent the impressment or purchase of property under false pretences ;

Amend by adding this proviso :

“ Provided, That the repeal of said act shall not affect any prosecution now pending ;”

The amendment was adopted, and the bill ordered to a third reading.

Also, favorably to the bill,

To tax the distillation of grain in the county of Coosa ;

Mr. Vansandt, moved to lay the bill on the table.

Lost.

Mr. Grant moved to postpone till Monday next, and make it the special order for 12 o'clock m.

Lost.

The bill was then read a third time, under a suspension of the constitutional rule, and lost.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled ;

An act to invest the probate court with additional powers over the estates of deceased persons ;

An act to repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color ;

An act to incorporate the Pioneer Petroleum Mining Company ;



An act to amend an act entitled an act to extend the charter the Bank of Mobile ;

An act to amend an act entitled an act to amend an act to incorporate the Southern Bank of Alabama ;

An act to provide for the safe keeping, distribution and exchange of the Supreme Court Reports ;

An act to incorporate the Medical and Surgical Society of the City of Montgomery ;

An act to authorize the Judge of Probate of the county of Morgan to order private sale of certain lands therein named ;

An act to repeal an act approved February 15, 1855, entitled an act to increase the amount of tax on peddling in the county of Pike ;

An act for the relief of certain officers in the county of Autauga ;

An act authorizing the court of county commissioners of Franklin to borrow money ;

An act to authorize the election of an additional constable in beats 4 and 5 in the county of Montgomery.

Mr. McKinstry, from same committee, reported adversely to the bill—

To aid agriculture in the State of Alabama.

On motion of Mr. Walker, the adverse report was laid on the table.

The hour of 12 having arrived, the Senate, by invitation, appeared within the Hall of the House, and the two houses in joint convention, proceeded to elect the Trustees of the State University.

Hon. Porter King alone being in nomination for Trustee of the First Judicial Circuit, and having received all the votes cast, (120) was declared by the Speaker to be duly and constitutionally elected for the term prescribed by law.

The two houses, in joint convention, then proceeded to elect Trustees for the Second Judicial Circuit.

Mr. Francis Bugbee alone being in nomination, and having received all the votes cast (120) was declared by the Speaker to be duly and constitutionally elected Trustee of the Second Judicial Circuit for the term prescribed by law.

The two houses, in joint convention, then proceeded to elect Trustees for the Third Judicial District.

Messrs. Wm. S. Mudd, James Fitts, B. F. Peters, John R. Blocker, J. J. Ormonde, and Robt. Jemison, jr., being in nomination, and the vote being cast, it was found that—

Wm. S. Mudd had received 115 votes ;

James Fitts had received 68 votes ;

B. F. Peters had received 107 votes;

John R. Blocker had received 39 votes;

J. J. Ormond had received 43 votes;

Robert Jemison, Jr., had received 90 votes;

Messrs. Mudd, Fitts, Peters and Jemison having received a majority of all the votes cast, were declared by the Speaker to be duly and constitutionally elected Trustees of the State University, for the 3d judicial circuit for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Trustee for the 4th judicial circuit.

Mr. Z. F. Freeman alone being in nomination, and having received all the votes cast, (120), was declared by the Speaker to be duly and constitutionally elected Trustee of the State University for the 4th judicial circuit for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Trustee for the 5th judicial circuit.

Mr. A. M. Gibson alone being in nomination, and having received all the votes cast, (122), was declared by the Speaker to be duly and constitutionally elected Trustee of the State University for the 5th judicial circuit for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Trustee for the 6th judicial circuit.

Mr. Willis G. Clark alone being in nomination, and having received all the votes cast, (96), was declared by the Speaker to be duly and constitutionally elected Trustee of the State University for the 6th judicial circuit, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Trustee for the 7th judicial circuit.

Mr. John T. Foster, being in nomination, received 87 votes.

Mr. W. P. Webb, being in nomination, received 14 votes.

Mr. John T. Foster having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Trustee of the State University for the 7th judicial circuit, for the term prescribed by law.

The two Houses in joint convention then proceeded to elect a Trustee for the 8th judicial circuit.

Mr. A. N. Worthy, being in nomination, received 87 votes.

Mr. John Cochran, being in nomination, received 7 votes.

Mr. J. McCaleb Wiley, being in nomination, received 7 votes.

Mr. A. N. Worthy having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Trustee of the State University for the 8th judicial circuit, for the term prescribed by law.

ally elected Trustee of the State University for the 8th judicial circuit, for the term prescribed by law.

The two Houses in joint convention, then proceeded to elect a trustee for the 9th judicial circuit ;

Mr. J. C. Meadors, being in nomination, received 77 votes.

Mr. Wm. C. McIvor, being in nomination, received 23 votes.

Mr. J. C. Meadors, having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected trustee of the State University for the 9th judicial circuit, for the term prescribed by law.

The two houses in joint convention, then proceeded to elect a trustee for the 10th judicial circuit ;

Mr. George S. Walden, alone being in nomination, and having received all the votes cast, (75), was declared by Mr. Speaker to be duly and constitutionally elected trustee of the State University for the 10th judicial circuit, for the term prescribed by law.

The two Houses in joint convention, then proceeded to elect a trustee for the 11th judicial circuit.

Mr. B. F. Porter, being in nomination, received 76 votes.

Mr. Felix Tate, being in nomination, received 13 votes.

Mr. B. F. Porter having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected trustee of the State University, for the 11th judicial circuit.

The Senate withdrew to its chamber.

Mr. Reese moved to reconsider the vote by which the House laid on the table, the bill,

To define the status of persons of color, and other persons in Alabama.

Leave of absence was granted Mr Plowman.

On motion of Mr. Gibson, the House adjourned till to-morrow morning, 10 o'clock.

FRIDAY, February 2d, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday, read and approved.

Leave of absence was granted to Messrs. Gafford, and Robinson of Chambers.

Mr. Whitfield, by unanimous consent introduced a bill,

To authorize the Governor to negotiate a temporary loan for the use of the State, or to issue Treasury notes ;

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed. Yeas, 79; nays, 1.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Humphrey, Judkins, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Vansandt, Waller, Warren, Whitfield, Williams of Jackson, and Worthy—79.

NAYS—Mr. Savage—1.

The bill was ordered forthwith to the Senate.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills—

To amend an act entitled “an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa,” approved January 2d, 1863 ;

To incorporate the “Empire Oil and Mining Company ;”

For the relief of John G. Harvey, of the county of Greene ;

To compensate D. J. Bunting, for wood furnished the State Capitol.

It has passed the following House bills :

To incorporate the “Georgia and Alabama Coal, Oil, and Manufacturing Company ;”

For the relief of John S. Brown, of Autauga county.

And has amended, as therein shown, and passed the following House bills—

To incorporate the Montgomery Oil and Mining Company of Alabama ;

To incorporate the Alabama Petroleum and Lamp Company.

M. TAUL, Secretary.

Mr. Clark, of Mobile, by unanimous consent, made the following report from the Committee on Ways and Means :

The Committee on Ways and Means, having given the sub-

ject a careful consideration, have agreed upon the revenue law herewith presented, and beg leave to report the same and recommend its adoption.

The Committee have labored under many embarrassments in framing this bill, from the fact that the annihilation of a large amount of the taxable property of the State by the events of war, has necessitated an entirely new system of taxation, and that while the financial condition of the State demands a larger revenue than ever before, to meet her wants, the distressed and impoverished situation of our people, makes the exaction of any taxes burthensome. It has been the desire of the Committee, to distribute the weight of taxation in such manner as to secure the revenue required, with as much regard as possible to all the interests involved, taking also into consideration the heavy taxes levied upon particular classes by the U. S. Revenue laws.

The Comptroller, in his latest revision, estimates that the amount of revenue to be raised by taxation to provide for the necessary expenditures of the current year, will be in round numbers \$800,000; and it is believed that the bill now reported will produce that amount, although the absence of all data for intelligent guidance, makes merely an estimate an approximation.

Ordinance No. 5 of the convention, adopted September 21st, 1865, having abrogated all laws previously existing relating to taxation, it became necessary for the committee to report a new bill, which should embrace the duties of officers, and the entire machinery for assessment and collections. In this portion of their labors, the committee have availed themselves of the experience of V. Gale Snedcor, Esq., Assessor of Greene county, Alabama, as presented in a bill on the subject of revenue referred to them by the House, a portion of which they have adopted, with slight modifications.

All of which is respectfully submitted.

The committee reported the following bill—

To establish revenue laws in the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Leeper moved to lay the bill on the table, and have 133 copies printed. Lost.

The hour of 12 o'clock having arrived,

On motion of Mr. Bethea, the orders of the day were suspended, to continue the consideration of the bill before the House.

Mr. Grant offered the following as an amendment to the 4th clause of the 1st section :

“As provided for in the ordinance of the convention of the State of Alabama, in the year one thousand eight hundred and nineteen.”

On motion of Mr. Goodwin, this amendment was laid on the table.

Mr. Bankhead moved to amend the 12th clause of the 2d section as follows :

“That on all dogs within the limits of this State, a tax of one dollar shall be assessed, excepting one watch dog for each lot or tenement, and all hounds of pure blood, genuine pointers, setters and Newfoundland dogs.”

Lost.

Mr. Ashford moved to amend the 1st clause of the 2d section by substituting “three” dollars for the poll tax in the place of “two.”

Lost.

Mr. Smith, of Choctaw, moved to amend the 15th clause of the 2d section, as follows :

Add the words “excepting such local acts as may be intended to promote education and religion.”

Mr. Potter moved to amend this amendment by adding thereto the following words :

“And all laws for the benefit of particular counties ;”

Which was adopted.

The amendment, as amended, was also adopted.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has originated and passed the following bills:

To provide for the erection and purchase of school houses, and the purchase of libraries and apparatus for the public schools in the county of Mobile ;

To punish trespassers on the school lands in Mobile county.

And has passed the House bill,

To authorize the Governor to negotiate a temporary loan for the State,

By a vote of, yeas 31 ; nays 0.

M. TAUL, Secretary.

Mr. Cooper, (Mr. Gibson in the chair,) moved to amend by striking out the words, “before such bill shall become valid,” in the 15th clause of the 2d section, and words “before the same shall become valid,” in the 16th clause of the 2d section.

Mr. Leeper moved to amend by inserting the words, “and

one horse and mule used exclusively for milling and hauling wood, or marketing for the family," in the 3d clause of the 2d section.

Mr. Clark, of Lawrence, moved to amend this amendment as follows: "and one horse for a physician in regular practice, and one horse to each minister."

Pending the consideration of the proposed amendment, and the proposed amendment thereto,

Mr. Bankhead moved to reconsider the vote by which the House refused to lay the bill on the table and print 133 copies.

The House refused to reconsider.

Mr. Bethea moved to adjourn till half-past 3 o'clock this afternoon, which was adopted.

#### AFTERNOON SESSION—half-past 3 o'clock.

The House met pursuant to adjournment.

Mr. Whitfield moved to suspend the consideration of the revenue bill to take up the Senate message.

Lost.

The question being on the adoption of the amendment of the amendment of Mr. Clark, of Lawrence, to the amendment offered by Mr. Leeper.

On motion of Mr. Padgett,

The amendment, and the amendment to the amendment, were laid on the table.

The bill was then read the 3d time, under a suspension of the constitutional rule, and passed.

Yeas, 51; nays, 22.

YEAS—Messrs. Ashford, Bethea, Borden, Bourland, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Cox, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Edwards, Frazer, Freeman, Gibson, Goldthwaite, Henry, Humphrey, Judkins, Lanier, Leeper, Mabry, Malloy, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, Meadors, Moore of Coffee, Odum, Palmer, Pierce, Pipkin, Raisler, Reese, Smith of Choctaw, Stringer, Thorn, Tompkins, Waller, Whitfield, Williams of Jackson, Worthy and Yonge—51.

NAYS—Messrs. Speaker, Ash, Brandon, Bush, Connelly, Davis of Bibb, Grant, Hand, Hare, Malone, Moore of Perry, Oliver, Padgett, Potter, Sheffield, Smith of Jackson, Steadham, Sturdivant, Vansandt, Walker, Warren, and Wilhite—22.

The Senate bills,

To incorporate the Governor's Guards;

To incorporate the Tuscaloosa Scientific and Art Association

for the purpose of encouraging science and art, and aiding the University of the State in replacing its library and establishing a scientific museum ;

To punish trespasses on the School Lands in Mobile county ;

To authorize the Court of Probate of Mobile county, to take jurisdiction over the estate of John G. Aiken, deceased ;

To repeal an act to authorize the qualified voters of the city of Tuscaloosa, to elect a city Marshal, approved February 5th, 1840 ;

To establish a Medical Board in the counties of Washington and Choctaw ;

Authorizing the Courts of County Commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate army to peddle free of tax, in their respective counties ;

To alter and amend section six of an act, to incorporate the town of Union Springs, in Macon county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill, to amend an act entitled an act to incorporate a company to build a bridge across the Black Warrior river, opposite the city of Tuscaloosa, approved January 2d, 1833 ;

Which was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Moore, of Perry, moved to strike out the word "rebellion," in the second line of the Preamble, and insert "war."

Adopted.

Mr. McLester, offered the following amendment :

"Sec. — *Be it further enacted*, That if the said Bridge Company shall not within three years from the passage of this act in good faith commence the rebuilding of said bridge, and complete the same within five years from said date, the franchise hereby granted shall cease."

"Sec. — *Be it further enacted*, That when said bridge is rebuilt, as provided by the preceding section, said bridge company shall be required to keep up the bridges across the ravines on the road now leading from the north end of the bridge to Main street in the town of Northport ; *Provided*, That for that purpose, the Court of County Commissioners shall authorize said company to charge such reasonable additional tolls at the main bridge, as may be just and proper ; *And provided further*, That no increase of tolls shall be allowed on foot passengers."

Adopted.

The bill as amended was then read a third time, under a fur-



ther suspension of the constitutional rule, and passed and ordered forthwith to the Senate.

The Senate bills—

To incorporate the Eufaula Gas Light Company ;

To incorporate the Warrior Petroleum Company ;

To incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company ;

To incorporate the Empire Oil and Mining Company ;

To incorporate the Franklin Oil and Mining Company ;

To incorporate the Alabama Lumber and Manufacturing Company ;

Supplementary to an act entitled an act to incorporate the Southern Travelers' Insurance Company, approved December 15, 1865 ;

Were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bills—

To compensate D. J. Bunting for wood furnished the State Capitol ;

For the relief of John G. Harvey, of the county of Greene ;

For the relief of John B. Farmer, late sheriff of Calhoun county ;

To pay Messrs. Stone and Henry for printing ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bill—

To provide for the erection and purchase of school houses, and the purchase of libraries and apparatus for the public schools in the county of Mobile ;

Was read the first, second and third times, under a suspension of the constitutional rule, and made the special order for 12 o'clock-m., to-morrow.

The House bill—

To incorporate the Cahaba and Mining Company,

Which the Senate had amended, was postponed and made the special order for 12 o'clock m., on to-morrow.

Mr. Robison, of Chambers, by leave, recorded his vote in the negative on the passage of the Revenue bill.

The Senate bill to establish the Canebrake Agricultural District to provide for the securing of the same and the management of its affairs ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee com-

posed of the members from the counties of Green, Dallas, Mangrove and Perry.

Mr. Cobb, by leave, recorded his vote in the affirmative, on the passage of the revenue bill.

The Senate bills—

For the relief of executors, administrators, guardians and trustees;

To provide for taking of the census of the State of Alabama, for the year 1866, as ordered by ordinance of the Convention of 1865;

Were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Judkins moved to suspend the business before the House to enable him to make a report from the Committee on the Penitentiary and State Capitol.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to incorporate the Rock Mills Manufacturing and Lumber Company;

An act to incorporate the German Association for the promotion and protection of German Emigration;

An act to repeal an act therein named which prohibits the retail of vinous or spirituous liquors within one mile of the town of Centre, in Cherokee county;

The Senate bill—

To amend the charter of the Memphis and Charleston Railroad Company ;

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Doster asked permission for the Committee on Education to sit during the sessions of the House, which was granted.

Mr. Echols moved to adjourn until to-morrow, 10 o'clock.

The Senate bill—

To authorize the Comptroller to settle with the Bank of Selma,

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Tompkins, from the Committee on Corporations, reported favorably on the Senate bill,

To incorporate the Central Mining and Petroleum Company;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. McCoy, of Tallapoosa, the House adjourned until to-morrow, 10 o'clock.

---

SATURDAY, February 3, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Petrie.

The Journal of yesterday morning was read and approved.

Messrs. Morse, Goodwin, Manasco, Bankhead, Thrasher, Robinson of Baldwin, and Cotten, by leave, recorded their votes in the negative, and Mr. Richardson in the affirmative, on the passage of the Revenue bill.

Message from the Governor by Mr. Dalton, his private Secretary :

*Mr. Speaker :*

I am directed by the Governor to inform the House of Representatives that he has approved and signed :

An act to amend an act entitled an act to incorporate the Southern Bank of Alabama ;

An act to amend an act entitled an act to extend the charter of the Bank of Mobile.

The special order of this hour being the adverse report of the Judiciary Committee to the bill,

To amend an act to authorize John Grant to cut or excavate a channel or canal through the shoal or reef which now obstructs the navigation between Dauphin Island and Cedar Point, in the county of Mobile,

It was taken up, and pending its consideration,

Mr. McCoy, of Tallapoosa, moved to reconsider the vote by which the Revenue bill was passed.

Lost.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To repeal the third section of an act to incorporate the Brundidge Male and Female Academy ;

To regulate the returns of the Superintendent of Education ;

To incorporate the Southern Commercial Association ;

To change the mode of appointing trustees of the University of Alabama ;

To enlarge the powers of the town council of Cahala ;  
 And has adopted joint resolutions relating to the status of  
 Alabama to the Federal Government.

It has passed the following House bills :

To incorporate the Mobile Mutual Insurance Company ;  
 For the relief of the people of Walker county, and for other  
 purposes ;

To amend an act entitled "an act to authorize the commis-  
 sioners' court of the county of Lauderdale to issue treasury  
 notes to pay for the building of important bridges, repairing  
 of court house, and other purposes," approved December 14,  
 1865 ;

To amend section 1099 of the Code, so far as the same re-  
 lates to Limestone county ;

And has amended, as ~~there~~ shown and passed, the House  
 bill,

To authorize Horace King to make a turnpike road in the  
 town of Girard, in Russell county.

M. TAUL, Secretary.

Mr. Pierce, from the Committee on Enrolled Bills, reported  
 the following as correctly enrolled :

An act to incorporate the Montgomery Oil and Mining Com-  
 pany of Alabama ;

An act to incorporate the Georgia and Alabama Coal, Oil  
 and Manufacturing Company ;

An act authorizing the city of Selma to issue bonds to fund  
 its interest debt, and for other purposes ;

An act to incorporate the Alabama Petroleum and Lamp  
 Company.

Still pending the discussion on the bill amendatory of the  
 act authorizing John Grant to cut or excavate a channel in cer-  
 tain waters of Mobile county, when

The hour of 12 o'clock having arrived,

The House took up the substitute reported from the Com-  
 mittee on Banks and Banking, for the bill—

For the regulation of the chartered banks in the city of Mo-  
 bile, and for other purposes.

Mr. Moore, of Coffee, offered the following amendment :

*Provided*, That if Confederate money has been deposited the  
 value of said deposit, at the time of making it, shall be paid by  
 the banks.

Mr. McCoy, of Russell, moved to lay the amendment on the  
 table.

Adopted.

Mr. Morse moved to amend section 1st by striking out the words "and return their deposits in kind."

Lost.

Mr. Chapman moved to suspend the business before the House, to allow him to introduce a bill.

Mr. Richardson moved to amend the motion, to allow him the same privilege.

Mr. Caffey moved to still further amend the motion by extending the privilege to him.

The vote being taken on the suspension, for the purposes indicated, the House refused to suspend.

Mr. Cobb offered the following amendment :

*Provided*, That said banks be required to pay interest on all bills in the hands of citizens of Alabama, emitted by said banks, and in circulation as money, the interest to be the same that individuals are liable to pay on their indebtedness.

On motion of Mr. Echols, this amendment was laid on the table.

Yeas, 48 ; nays, 23.

YEAS — Messrs. Bethea, Borden, Bourland, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Edwards, Ellis, Frazer, Goldthwaite, Hand, Hare, Henry, Judkins, Lanier, Ledbetter, Mabry, McAlexander, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Meadors, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Steadham, Tompkins, Vansandt, Waller, Williams of Jackson, and Worthy—48.

NAYS—Messrs. Brandon, Callaway, Chapman, Cobb, Connelly, Cotten, Culver, Davis of Bibb, Freeman, Lindsey, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, Moore of Coffee, Morse, Odum, Oliver, Savage, Thorn, Walker, and Warren—23.

The bill was then read the third time, under a suspension of the constitutional rule, and passed. Yeas, 51 ; nays, 24.

YEAS—Messrs. Bethea, Bourland, Caffey, Clark of Lawrence, Clark of Mobile, Cobb, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Edwards, Ellis, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hare, Henry, Humphrey, Judkins, Lanier, Ledbetter, Mabry, Malloy, McAlexander, McCain, McCann, McCoy of Russell, McKinstry, Meadors, Owens, Padgett, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Tompkins, Vansandt, Waller, Whitfield, Williams of Jackson, Worthy, and Yonge—51.

**NAYS**—Messrs. Bankhead, Brandon, Bush, Callaway, Chapman, Connelly, Cotten, Cox, Culver, Hand, Lindsey, Malone, Manasco, McCoy of Tallapoosa, Moore of Coffee, Morse, Odum, Palmer, Potter, Savage, Steadham, Thorn, Walker, and Warren—24.

The Senate bill—

To provide for the erection and purchase of school houses, and the purchase of libraries and apparatus for the public schools in the county of Mobile ;

Was taken up and passed.

On motion of Mr. Gibson, the House adjourned till ten o'clock Monday morning.

MONDAY, February 5th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hand.

The journal of Friday afternoon and Saturday, was read and approved.

Leave of absence was granted Mr. Goldthwaite.

The consideration of the adverse report of the Judiciary Committee on the bill amendatory of an act authorizing John Grant to cut a channel or canal in certain waters in Mobile county, was resumed ;

Pending which, the hour of 12 o'clock m. having arrived.

On motion of Mr. Tompkins, the orders of the day were suspended to continue the consideration of the above recited bill.

Message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Alabama and Georgia Manufacturing Company ;

To incorporate the Chattahoochie Manufacturing Company :

Requiring Solicitors to make annual reports to the Attorney General ;

For the relief of B. W. Young, late Sheriff of Montgomery county ;

To authorize the court of county commissioners of Lowndes county to borrow money, and levy a special tax for repayment thereof ;

To authorize the commissioners' court of Pike county to issue treasury notes to pay for the building of bridges, enlarging

and repairing the courthouse and jail, and for other county purposes ;

To incorporate the American and Brazilian Steamship Company ;

To fix the pay of the Adjutant and Inspector General, and the Quartermaster General ;

And concur in the House amendment to the Senate bill,

To amend an act to incorporate a company to build a bridge across the Warrior river, opposite the city of Tuscaloosa, approved January 2d, 1833.

And has passed the following bills :

To incorporate the Decatur and Danville Railroad Company ;

To incorporate the Stonewall Insurance Company.

And has amended by substitute as therein shown, the House bills,

To repeal an act to suppress more effectually the distillation of grain ;

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original owner, before the expiration of the contract, &c.

And has adopted the House joint resolutions to invite immigration to Alabama.

MICAH TAUL, Secretary.

The question before the House being the concurrence in the adverse report of the Judiciary Committee, it was concurred in. Yeas, 60 ; nays, 20.

YEAS—Messrs. Ash, Ashford, Bankhead, Bethea, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Cox, Crenshaw, Culver, Echols, Ellis, Frazer, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Henry, Humphrey, Judkins, Lanier, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McLester, McMillan, Meadors, Morse, Odum, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Savage, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Whitfield, Williams of Jackson, Worthy, and Yonge—60.

NAYS—Messrs. Speaker, Borden, Bourland, Brandon, Cotten, Davis of Bibb, Dobson, Hawthorne, Malone, Malloy, McCain, McCann, McCoy of Tallapoosa, Moore of Coffee, Oliver, Palmer, Sheffield, Vansandt, Warren, and White—21.

On motion of Mr. Doster, permission was granted the committee on Education, on the part of the House, to confer with the like committee on the part of the Senate.

Mr. Meadors moved a suspension of the orders of the day to take up certain Senate bills.

On motion of Mr. Gafford, the House adjourned till ten o'clock, a. m., to-morrow.

TUESDAY, February 6th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

The journal of yesterday was read and approved.

Mr. Hare moved to rescind the rule requiring unanimous consent to be obtained from the House before an absolute rule, for the consideration of certain business, could be suspended.

Lost.

Mr. Hare moved to suspend the business before the House, to take up a bill.

Lost.

Mr. Smith, of Choctaw, reported favorably to the bill,

To regulate contests in elections in certain cases ;

Which was read the third time, under a suspension of the constitutional rule and passed ;

And ordered forthwith to the Senate.

Also, favorably to the Senate bill,

To explain the meaning and intent of an act the more effectually to prevent the offence of grand larceny, arson and burglary, passed at the present session of the General Assembly, approved December 15, 1865.

On motion of Mr. Worthy,

The further consideration of the bill was postponed till Monday next, at 12 o'clock m.

The bill to aid agriculture in the State of Alabama,

Was next taken up, and the question being on its passage, it was lost ; yeas 43 ; nays 22—a constitutional majority not voting in the affirmative.

YEAS—Messrs. Speaker, Ash, Ashford, Brandon, Bush, Chapman, Cobb, Connelly, Crenshaw Culver, Frazer, Gafford, Goodwin, Hand, Hardie, Hare, Hawthorne, Judkins, Lanier, Ledbetter, Leeper, Lindsey, Malone, McAlexander, McCain, McCann, Morse, Odum, Palmer, Pierce, Potter, Raisler, Reese, Savage, Sheffield, Steadham, Stringer, Walker, Warren, White, Worthy, and Yonge—43.

NAYS—Messrs. Beathea, Bourland, Clark of Lawrence, Doster, Ellis, Henry, Humphrey, Mabry, Mal'oy, Manasco, McBee, McCoy of Russell, McMillan, Meadors, Oliver, Owens, Fadgett,



Robinson of Baldwin, Smith of Choctaw, Thorn, Waller, Williams of Randolph—22.

On motion of Mr. Grant,

The vote by which the bill was lost, was reconsidered, and the further consideration of the bill was postponed till to-morrow, 10 o'clock a. m.

The Senate bill,

To incorporate the Alabama Immigration White Labor and Real Estate Agency Company, was next taken up.

Mr. Worthy offered the following amendment as an engrossed ryder to the bill ;

“SEC. 11. *Be it further enacted*, That should there be introduced into this State by said corporation any person who is a pauper, or liable to become a public charge, at the time he or she is brought into the State by said company, said corporation is held bound for the support and maintenance of such invalid or pauper, and may be sued for the same as is now provided for by law in section 1212 of the code, which requires the relatives of the poor to support them.”

The engrossed ryder was read the first and second times, under a suspension of the constitutional rule.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Alabama Mutual Fire Insurance Company ;

To declare Eliza Garrison, of Montgomery county, a free dealer ;

To declare Elizabeth Harris, wife of Matthew Harris, of Chambers county, a free dealer ;

To give the probate court of Wilcox county jurisdiction of the estate of David H. Packer, deceased ;

To authorize the issuance of execution in certain cases, notwithstanding the deaths of parties to the judgments ;

To incorporate the Rock and Lignite Oil Company of Alabama.

It has passed the following House bills :

For the relief of A. Wax, of Marion county ;

To erect a suitable monument over the grave of Canada Butler, late of the House of Representatives, from Madison county, who departed this life in this city, December 12, 1862 ;

To encourage the erection and repairs of buildings and machinery in the county of Madison ;

To make Jane P. Lyon, of Monroe county, a free dealer ;

To prohibit the court of county commissioners for Madison county from levying a greater tax than fifty per cent. on the State tax for county purposes for the year 1866 ;

To make Elizabeth Ellis, of Macon county, a free dealer.

M. TAUL, Secretary.

Pending the discussion on the bill "to incorporate the Alabama Immigration White Labor and Real Estate Agency Company,

On motion of Mr. Manasco, the special order for 11 o'clock a. m., was suspended to continue the consideration of the above bill.

Message from the Governor by Mr. Dalton :

*Mr. Speaker :*

His Excellency the Governor has approved and signed the following acts which originated in the House of Representatives :

An act to incorporate the Georgia and Alabama Coal, Oil and Manufacturing Company ;

An act to authorize the Governor to negotiate a temporary loan for the use of the State, or to issue treasury notes.

The hour of 12 o'clock having arrived, and the special order for that hour being the Senate bill—

To provide adequate compensation to the clerk of the Supreme Court ;

It was taken up and read the third time, under a suspension of the constitutional rule, and passed.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to authorize the Governor to negotiate a temporary loan for the State ;

An act for the relief of the people of Walker county, and for other purposes ;

An act to amend section 1099 of the Code, so far as the same relates to Limestone county ;

An act to incorporate the Mobile Mutual Insurance Company ;

An act to amend an act entitled an act to authorize the commissioners court of the county of Lauderdale to issue treasury notes to pay for the building of important bridges, repairing of court house, and other purposes, approved 14th December 1865.

On motion of Mr. Pierce, the special orders were suspended to continue the consideration of the Senate bill—

To incorporate the Alabama Immigration, White Labor and Real Estate Agency Company.

Mr. Cooper, (Mr. Goodwin in the chair,) offered the following as an amendment to the engrossed ryder:

“And if it can be shown that the said company has imported or brought to this State any inmate of any lazar house or prison, the said company shall forfeit its charter, and the officers or agents thereof who participated in importing the same, shall be deemed guilty of a misdemeanor, and, on conviction, fined in a sum not less than one thousand dollars for each offence.”

Mr. Tompkins moved to amend this amendment as follows:

*Provided*, Said incorporation is cognizant of the fact at the time of such importation.”

On motion of Mr. Cooper, the amendment was laid on the table.

Mr. Gafford moved to lay all the amendments on the table.

Mr. Cox moved to postpone the further consideration of the bill and amendments til the 10th of February.

Lost.

Mr. Callaway moved to amend the motion of Mr. Gafford, and lay the bill and amendments on the table.

A division of the question being called for, the House refused to lay the amendments on the table.

Yeas, 2; nays, 79.

YEAS—Gafford and Mabry—2.

NAYS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Freeman, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Morse, Olum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Thorn, Tompkins, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Yonge—79.

Mr. Bethea moved to lay on the table, the motion to lay the bill on the table. Lost.

Mr. Mabry moved to adjourn till ten o'clock a. m., to-morrow.

Lost.

The vote being taken on the motion to lay the bill on the table, it was lost. Yeas, 41; nays, 41.

YEAS—Messrs. Ash, Bankhead, Bourland, Brandon, Bush, Callaway, Cobb, Connelly Cotten, Cox, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Ellis, Hand, Humphrey, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCoy of Russell, McCoy of Tallapoosa, Moore of Coffee, Morse, Oliver, Palmer Padgett, Potter, Sheffield, Steadham, Thorn, Vansandt, Walker, Warren, Williams of Jackson, and White—41.

NAYS—Messrs. Speaker, Ashford, Bethen, Borden, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Calver, Doster, Echols, Gafford, Goodwin, Grant, Hure, Hawthorne, Henry, Lurier, Mabry, McAlexander, McCain, McMillan, Meadors, Odum, Owens, Pierce, Pipkin, Raiser, Reese, Richardson, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Tompkins, Waller, Waitfield, Williams of Randolph, Worthy, and Yonge—41.

On motion of Mr. Steadham, the House adjourned till to-morrow ten o'clock.

---

WEDNESDAY, February 7, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Callaway.

Journal of yesterday read and approved.

Message from the Governor, by Mr. Dalton :

*Mr. Speaker:*

His Excellency the Governor has approved and signed the following act, which originated in the House of Representatives :

An act to incorporate the Mobile Mutual Insurance Company.

Mr. Meadors moved to suspend the call of the committees, to take up certain Senate bills.

Adopted, by unanimous vote.

The Senate bills,

To incorporate the Alabama and Georgia Manufacturing Company ;

To incorporate the Chattahoochie Manufacturing Company ;  
 Were each read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Bethea moved to suspend the business before the House, for the purpose of taking up a Senate bill ;

Which was adopted, by unanimous vote.

The Senate bill,

To declare Eliza Garrison, of Montgomery county, a free dealer ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed ;

And ordered forthwith to the Senate.

Mr. Smith, of Choctaw, by unanimous consent, introduced a bill for the relief of Ann C. Stribling, of the county of Washington, and legalize her marriage with Powell B. Johnston ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Padgett,

The business before the House was suspended, that the counties might be called.

#### CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Gibson, to authorize a revision and extension of the Geological Survey of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Moore, of Coffee, to furnish certain volumes of the Supreme Court Reports for Coffee county ;

By the same, for the protection of cattle owners of Coffee county ;

By Mr. Reese, to authorize the Judge of the City Court of Selma to appoint a solicitor for the City Court of Selma ;

By the same, to amend the third section of an act to incorporate the Union Express Company ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Potter, a joint memorial to the President of the United States, for the relief of Josiah M. Daniel, late Sheriff of Cherokee county ;

Which was read the first and second times, under a sus

pension of the constitutional rule, and referred to the Committee on Federal Relations.

By Mr. Walker, to provide for the location of the county site of the county of Conecuh ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Mabry, from the Committee on Ways and Means, by leave, reported a substitute to the Senate bill—

To provide for the payment of the interest on State bonds, and to provide for the issue of State bonds to aid in such payment.

Substitute adopted, read three times, and passed under a suspension of the constitutional rule.

Yeas, 74 ; nays, none.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Edwards, Ellis, Frazer, Freeman, Gafford, Goodwin, Grant, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Manasco, McAlexander, McCann, McCoy of Russell, McCoy of Tallapoosa, McMillan, Moore of Perry, Odum; Oliver, Palmer, Padgett, Pierce; Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer Thorn, Tompkins, Vansandt, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Worthy and Yonge—74.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Mobile Fire Department Insurance Company of Mobile ;

To incorporate the town of Lowndesboro, in Lowndes county ;

To regulate judicial proceedings ;

To incorporate the Medical College, at Greenville, Alabama ;

To incorporate the Greensboro Hotel Company.

M. TAUL, Secretary.

On motion of Mr. Callaway, the call of the counties was

suspended, to take up the House bill, which had been amended by the Senate,

To compensate John W. Skipper for feeding prisoners, &c.

The Senate amendment was concurred in, and the clerk instructed to notify the Senate thereof.

Bills were introduced by—

Mr. Reese, to amend section 2164 of the Code of Alabama;

Mr. Walker, for the relief of B. L. Whelan and A. Stottenwreck, executors of the estate of Chas. Whelan, deceased;

Mr. Richardson, to provide for the substitution of lost records or judgments in such counties of this State as may have lost their records during the late war;

Mr. Tompkins, to amend and extend an act to change and modify section 2706 of the Code, in relation to the lien on steamboats, approved February 15, 1855;

By the same, to extend an act entitled an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile, approved 3d March, 1848, to the county of Mobile;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Reese, to encourage emigration, manufacturing and agricultural pursuits in the State of Alabama;

Mr. Mabry, to incorporate the New Orleans and Selma Railroad Company;

Mr. Waller, to incorporate the Planters' Insurance Company;

Mr. Clark of Mobile, to incorporate the Mobile Gas Light and Coke Company;

Mr. Tompkins, to incorporate the Mobile Medical Society.

Mr. Bethea, to incorporate the Wills Valley Mining and Manufacturing Company;

Mr. Caffey, to incorporate the Montgomery Hospital Association;

Which were severally read the first and second times, under a suspension of the constitutional rule and referred to the committee on Corporations.

By Mr. Reese, to regulate the value of interest in the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Cooper (Mr. Sheffield in the chair,) it was laid on the table.

By Mr. Pierce, to incorporate the Eutaw Savings Bank;

Which was read the first and second times, under a suspension.

of the constitutional rule, and referred to the committee on Banks and Banking.

On motion of Mr. Cooper, (Mr. Sheffield in the chair,) the vote laying the bill to regulate the value of interest in the State of Alabama, on the table;

Was reconsidered, and it was referred to the Judiciary committee.

Mr. Goodwin, by leave, offered the following resolution, which was adopted:

*Resolved*, That the committee on the Judiciary be required to inquire into the expediency of fixing some standard for establishing some principle for the settlement of debts and claims made and arising during the war, and that they report by bill, or otherwise."

Bills were introduced—

By Mr. Cobb, for the relief of Margaret A. Hopkins, of Fayette county;

By Mr. Smith, of Jackson, to suspend the operations of sections two and seven, of an act therein named;

By the same, to incorporate the Larkensville Academy, in Jackson county;

By Mr. Clark, of Lawrence, to constitute Mary A. King a free dealer;

By Mr. Humphrey, to revive the charter of North Alabama College.

By Mr. Jones, to authorize the City Council of Demopolis, to levy a special tax for the purpose of building a City Jail, &c.;

By the same, to regulate the fees of Justices of the Peace and Constables of Demopolis beat, in Marengo county, and for other purposes;

By Mr. Ledbetter, to repeal an act entitled an act to prevent the sale of spirituous liquors within three miles of the town of Trianna in Madison county;

Mr. Bankhead, for the relief of Daniel L. Logan, and Martha Musgroves;

Mr. Clarke, of Mobile, to authorize the commissioners of revenue of Mobile county to make equitable settlements in certain cases;

The same, to authorize the commissioners of revenue in Mobile county to issue bonds for certain purposes;

The same, joint resolutions authorizing Alabama to accept a grant of public lands;

The same, to authorize the Alabama Life Insurance and Trust Company, and other chartered Fire Insurance Companies of Mobile to go into liquidation;



Mr. Tompkins, to legalize the election of commissioners of roads for the county of Mobile, held first Monday in November, 1865 ;

Mr. Bethea, directing the delivery to the Western Railroad Company, of a certain bond given by the Alabama and Mississippi Rivers Railroad Company, of the State of Alabama, for a part of the two per cent. fund ;

The same, to equalize certain salaries ;

Mr. Caffey, for the relief of Enoch Downing, of Montgomery county ;

The same, for the relief of Elizabeth Allen, of Montgomery county ;

Mr. Worthy, to declare Mary Carr, of Pike county a free dealer ;

Mr. Ashford, authorizing the transfer of the estate of Andrew Kaeiser, deceased, from Walker county to Lawrence county in this State ;

Mr. Yonge, to provide for the publication of legal notices for the county of Washington ;

The same, to prohibit the sale of spiritous or vinous liquors within three miles of St. Andrew's Chapel, in Washington county ;

Which were severally read the first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Smith, of Jackson, by leave, offered the following resolution, which was adopted.

*Resolved*, (the Senate concurring,) that both Houses of this General Assembly adjourn on the 15th instant, *sine die*.

On motion of Mr. Judkins, the call of the counties was suspended to enable him to make a favorable report from the Committee on Ways and Means, on the Senate bill

To reduce the salary of the Warden of the Penitentiary ;

Which bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Bills were introduced by—

Mr. Sheffield, for the relief of David R. Fletcher, and Sarah M. Harless, of Marshall county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. McCoy, of Russell, moved to amend by inserting the names of Thomas B. McKissick and R. Teal.

The amendment was adopted, the bill read the third time, under a further suspension of the constitutional rule, and passed.

Mr. Tompkins, a petition from the Jews of Mobile city for a modification of section 3303 of the Code ;

Which was referred to the Committee on Propositions and Grievances ;

Mr. Bethea, to appropriate the sum of fifteen hundred dollars to uniform and equip the "Governor's Guards" ;

Which was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Cobb, it was laid on the table ;

Mr. Bethea, an account of Mrs. Lomax, against the State of Alabama ;

Which was referred to the Committee on Accounts and Claims.

Mr. Moore, of Perry, to amend section 1746 of the Code ;

By the same, to authorize executors, administrators, guardians and trustees, to receive United States Treasury notes and to fix their liability therefor.

Mr. Henry, to exempt certain property from levy and sale under execution, or other legal process.

Mr. Lanier, to authorize the issuance of execution in certain cases, notwithstanding the death of parties to the judgments.

Mr. McCoy, of Russell, for the relief of wounded and disabled soldiers, and widows and orphans of deceased soldiers ;

Mr. Leeper, for the relief of A. A. Sterrell, administrator of the estate of John Salser, deceased ;

By the same, for the relief of the indigent of Shelby county ;

Mr. Hare, to require persons hiring colored laborers to furnish them with a sufficiency of good and wholesome food ;

Mr. Manasco, to regulate the fees of all county and district officers in the county of Walker ;

Mr. Reese, to define the powers of justices of the peace in the county of Dallas ;

Mr. Yonge, to protect the owners of live stock ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Whitfield, to extend the indebtedness of the Northeast and Southwest Alabama Railroad Company, and Wills' Valley Railroad Company, under the provisions of an act to loan and appropriate the three per cent. fund, and its interest, approved 18th February, 1860 ;

Which was read a first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Lanier, to authorize the commissioners' court of Pickens

county to levy a special tax for the purposes therein named;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Moore, of Coffee, moved to amend by making the provisions of the bill applicable to Coffee county, which was adopted, and the bill was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. McCoy of Russell,

The call of the counties was suspended, to take up the House bill,

To authorize Horace King to make a turnpike road in the town of Girard, Russell county;

Which the Senate had amended.

The House concurred in the amendment of the Senate.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has amended, as therein shown, and passed the House bill,

To create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties.

MICAH TAUL, Secretary.

On motion of Mr. Hare, the call of the counties was suspended, to take from the table the bill—

For the relief of Edward H. Ustick, jailor of Sumter county.

The vote by which the House laid the bill on the table, was reconsidered, and it was recommitted to the Committee on Accounts and Claims.

Bills were introduced by—

Mr. McCoy, of Tallapoosa, to authorize D. H. C. Smith and J. F. McKissack to establish a public ferry in perpetuity on the Tallapoosa River at the town of Tallassee;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule.

On motion of Mr. Worthy, the vote ordering the bill to its third reading was reconsidered, and it was referred to the Committee on Roads and Highways.

Mr. Yonge, to authorize Joanna Sullivan to peddle in the counties of Washington and Mobile without a license;

Which was read the first, second and third time, under a suspension of the constitutional rule.

The Speaker decided that the vote on the passage of this bill must be taken up by yeas and nays, and that it required a vote

of two-thirds to pass it in accordance with the requirements of section 41 of the constitution.

Mr. Gibson appealed, and the House refused to sustain the decision of the chair.

The bill was then passed.

Mr. Grant moved to reconsider the vote by which the House refused to sustain the decision of the chair.

The House refused to reconsider.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to incorporate the Decatur and Danville Railroad Company.

On motion of Mr. Manasco, the vote by which the bill—

To regulate the fees of all county and district officers in the county of Walker,

Was referred to the Judiciary Committee, was reconsidered, and—

The bill was read the 3d time, under a suspension of the constitutional rule.

Mr. Wilhite moved to amend by engrossed ryder so as to make the provisions of the bill applicable to the county of Winston.

The engrossed ryder was read the first, second and third times, under a suspension of the constitutional rule, and adopted, and the bill passed.

The Speaker laid before the House a report from the Commissioners appointed by the Governor to prepare a Penal Code.

Mr. Moore, of Perry, moved to refer it to the Judiciary Committee.

Mr. Mabry moved to postpone the further consideration of the report till 11 o'clock, a. m., to-morrow.

Mr. Cooper, (Mr. Goodwin in the chair,) moved to lay the report on the table, and print 133 copies.

Mr. McCoy, of Tallapoosa, moved to adjourn till to-morrow morning, 10 o'clock.

Lost.

On motion of Mr. Bankhead, the House adjourned till half-past nine o'clock, to-morrow morning.

---

THURSDAY, February 8th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Potter.

On motion of Mr. Goodwin the reading of the Journal was dispensed with.

Indefinite leave of absence was granted to Mr. Edwards.

Mr. Vansandt, by leave, offered the following resolution, which lies over one day under the rule :

“ *Resolved*, That no member of this House shall speak longer than ten minutes at any one time, from this time to the end of the session.”

On motion of Mr. Goodwin, all business before the House was suspended to take the Senate bill—

To regulate Judicial proceedings ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Hare moved to refer the bill to the Judiciary Committee.

Mr. Manasco moved to lay the bill on the table.

Lost. Yeas 41, nays 44.

YEAS—Messrs. Speaker, Brandon, Brooks, Caffey, Callaway, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Edwards, Ellis, Frazer, Gibson, Hand, Hardie, Hawthorne, Judkins, Jones, Lanier, Lindsey, Mabry, Manasco, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Moore of Coffee, Moore of Perry, Morse, Palmer, Potter, Raisler, Reese, Smith of Choctaw, Smith of Jackson, Vansandt, Walker, Whitfield, and Worthy—41.

NAYS—Messrs. Ashford, Bankhead, Bourland, Bush, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Dobson, Doster, Freeman, Gafford, Goodwin, Grant, Hare, Henry, Humphrey, Ledbetter, Leeper, Malone, Malloy, McAlexander, McCoy of Russell, Odum, Oliver, Owens, Padgett, Pierce, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Steadham, Stringer, Thorn, Tompkins, Waller, Warren, Williams of Jackson, Williams of Randolph, and Wilhite—44.

The question recurring on the motion of Mr. Hare, to refer to the committee on the Judiciary.

It was lost—Yeas 13, Nays 71.

YEAS—Messrs. Caffey, Echols, Ellis, Frazer, Gibson, Grant, Hare, Leeper, Manasco, McCoy of Tallapoosa, Moore of Coffee, Moore of Perry, and Palmer—13.

NAYS—Messrs. Speaker, Ash, Ashford, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Freeman, Goodwin, Hand, Hardie, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCann, McCoy of Russell, McMil-

lan, Meadors, Morse, Odum, Oliver, Owens, Padgett, Pierce Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—71.

Message from the Governor by Mr. Dixon.

*Mr. Speaker :*

His Excellency the Governor, has approved and signed the following Acts which originated in the House of Representatives :

An act to incorporate the Medical and Surgical Society of the city of Montgomery ;

An act authorizing the Court of County Commissioners of Franklin county, to borrow money ;

An act to repeal certain acts therein named, to prevent the sale of spirituous liquors to free persons of color ;

An act to authorize the election of an additional Constable in beats four and five, in the county of Montgomery ;

An act to repeal an act therein named, which prohibits the retail of vinous or spirituous liquors within one mile of the town of Centre, in Cherokee county.

An act to incorporate the German Association, for the promotion and protection of German immigration ;

An act to incorporate the "Apalachian Oil, Coal, Mining and Manufacturing Company" ;

An act to incorporate the Rock Mills Manufacturing and Lumber Company ;

An act to incorporate the Pioneer Petroleum Mining Company ;

An act to invest the probate court with additional powers over the estates of deceased persons ;

An act to provide for the safe keeping, distribution and exchange of the Supreme Court Reports ;

An act to incorporate the Alabama Petroleum and Lamp Company ;

An act to authorize the judge of probate of the county of Morgan to order private sale of certain lands therein named ;

An act to authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes ;

An act to incorporate the Montgomery Oil and Mining Company of Alabama ;

An act to repeal an act, approved February 13, 1855, enti-

led "an act to increase the amount of tax on peddling in the county of Pike ;

An act for the relief of certain officers in the county of Autauga.

Message from Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills :

A bill to be entitled an act for the relief of county superintendents of education ;

A bill to be entitled an act to regulate contests of elections in certain cases ;

A bill to be entitled an act to authorize the commissioners' court of Morgan county to divide said county into four commissioners' districts ;

A bill to be entitled an act for the relief of the sheriff of Montgomery county ;

A bill to be entitled an act to increase the salaries of chancellors and circuit judges.

The Senate has originated and passed the following bills :

A bill to be entitled an act to punish the crime of abduction of free persons of color ;

A bill to be entitled an act to change the location and place of business of the Woodville Insurance Company ;

To amend the charter of the City of Montgomery, to extend certain bonds due by the city for building the State House ;

An act to authorize the county of Macon to issue Treasury notes for certain county purposes ;

A bill to be entitled an act to legalize the issue of change bills put in circulation as money by the Mayor, Aldermen and Common Council of the City of Mobile ;

A bill to be entitled an act for the relief of Madison B. Camps, and Eliza J. Hatfield, of Calhoun county ;

A bill to be entitled an act for the relief of Daniel A. Long, of Talladega county ;

A bill to be entitled an act to restrict taxation in the town of Greenville ;

A bill to be entitled an act to authorize the commissioners' court of Marshall county to issue treasury notes, for the purpose of building a court-house and jail ;

A bill to be entitled an act to confer power on the city council of Montgomery, for safe-keeping and punishment of offenders ;

A bill to be entitled an act to incorporate the Talladega

Lead Mining Company, of Calhoun county, Alabama ;

A bill to be entitled an act to declare Eliza Webb, wife of Conrad Webb, of Montgomery county, a free dealer.

The Senate has adopted the following preamble and resolutions :

Whereas, There is reason to apprehend that unfriendly representations at Washington, and in Northern States of the Union, of the disposition of the people of Alabama towards the Government at Washington, will operate injuriously upon the social condition of our people, and postpone a restoration of the State, in consequence of a misapprehension upon the part of the Federal authorities, of the disposition of the people for the full and complete establishment of order ; Therefore,

*Resolved*, (The House concurring,) That a committee of five be appointed by the presiding officer of each House, to enquire as far as may be in regard to the disposition of the people of the several counties in matters referred to ; and report the result of their investigations by resolution or otherwise.

Mr. Hare moved to amend the bill under discussion, by striking out all after the enacting clause, and inserting the following :

Sec. 1. That whenever any writ of execution or other process requiring the sale of property for the payment of debts, shall be, or has been issued from any court of this State, it is made the duty of the officer to whom it is delivered, for collection, upon being paid the cost due the officers of the court upon the same, (sheriffs commissions not included,) to return the said writ or other process, to the proper court, with his endorsement thereon, showing the amount of cost by him received ; and shall also endorse thereon, " returned by operation of law," date and sign the same.

Sec. 2. *Be it further enacted*, That no judgment or decree shall be renewed by any court in this State, for the collection of money on any note, bill or other evidence of debt in cases of debt where there is no defence.

Sec. 3. *Be it further enacted*, That this act shall remain in force for the term of two years from the date of its passage. Provided, it shall not apply to any debts, or contracts, made since the 28th day of May, A. D., 1865.

A division of the question being ordered, it was taken first on striking out all after the enacting clause, and decided in the affirmative.

Mr. Cox offered the following amendment to the amendments of Mr. Hare :

Sec. 4. *Be it further enacted*, That there shall be exempt



from levy and sale under execution, to and for the use of each family in this State, real and personal property not to exceed in value twenty-five hundred dollars, to be determined by the sheriff who has the execution in his hands, with the aid of disinterested freeholders of the county, to be elected by such sheriff.

Mr. Gibson moved to lay the substitute and bill on the table.

Lost.

Yeas, 24; nays, 58.

YEAS—Messrs. Speaker, Caffey, Ellis, Frazer, Gibson, Goodwin, Grant, Hardie, Leeper, McAlexander, McCain, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Palmer, Richardson, Robinson of Baldwin, Smith of Choctaw, Sturdivant, Waller, and Williams of Randolph—24.

NAYS—Messrs. Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Gafford, Hand, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, Odum, Oliver, Owens, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Vansandt, Walker, Warren, Williams of Jackson, Wilhite and Worthy—58.

The Speaker ruled that the amendment offered by Mr. Cox was out of order, because it is in effect an exemption law, and is not germane to the question before the House, which is a "Stay Law."

Mr. Cox appealed.

The decision of the chair was sustained.

Yeas 60; nays 17.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Connelly, Cotten, Davis of Bibb, Dobson, Echols, Ellis, Gibson, Goodwin, Grant, Hare, Hawthorne, Humphrey, Jones, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, Meadors, Moore, of Coffee, Moore of Perry, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Walker, Waller, Warren, Williams of Randolph, Wilhite and Worthy—60.

NAYS—Messrs. Chapman, Cox, Crenshaw, Culver, Davis of

Barbour, Frazer, Hand, Hardie, Henry, Lanier, McCann, McMillan, Morse, Odum, Tompkins, Vansandt, Williams of Jackson—17.

Mr. Pierce offered the following amendment :

“SEC. 1. *Be it further enacted*, That the provisions of this act shall not apply to cases of unlawful detainer; or forcible entry and detainer; but that all actions of detainer shall be governed by the laws now in force in relation to detainers; nor shall they in anywise apply to criminal cases and proceedings, nor to action brought for the recovery of specific property.”

Mr. Potter moved to amend the substitute by striking out “two years,” where these words occur in the 3d section, and inserting “one year.”

Mr. Worthy moved to suspend the business before the House to enable him to offer a resolution.

Lost.

Mr. Bethea moved to postpone the further consideration of the bill under discussion till to-morrow morning, 10 o'clock, and that he be permitted to offer a resolution.

Mr. Goodwin moved to adjourn till half-past seven o'clock this evening.

Lost.

Mr. Worthy moved to adjourn till to-morrow morning, 10 o'clock.

Lost.

Mr. Steadham moved to adjourn till half-past nine, to-morrow morning.

Lost.

The question being taken up on the motion of Mr. Bethea, it was lost.

The question being then taken on the amendment of Mr. Potter to the amendment, it was lost. Yeas 26, nays 46.

YEAS—Messrs. Speaker, Ash, Cobb, Davis of Bibb, Dobson, Freeman, Gibson, Hardie, Mabry, Malone, Malloy, McAlexander, McBee, McCann, McCoy of Russell, Moore of Coffee, Oliver, Potter, Richardson, Robinson of Baldwin, Smith of Choctaw, Warren, Whitfield, Williams of Randolph, and Wilhite—26.

NAYS—Messrs. Ashford, Bankhead, Bethea, Borden, Bourland, Bush, Caffey, Chapman, Clark of Lawrence, Cotton, Cox, Crenshaw, Culver, Davis of Barbour, Doster, Echols, Gafford, Goodwin, Hand, Hare, Hawthorne, Henry, Humphrey, Judkins, Jones, Lanier, Ledbetter, Lindsey, Manasco, McCann, McCoy of Tallapoosa, Padgett, Pierce, Raisler, Reese, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Thompkins,

Vansandt, Walker, Waller, Williams of Jackson, and Worthy  
—46.

Mr. Smith, of Coctaw, offered the following amendment to the substitute :

Sec. —. *Be it further enacted*, That in all cases where the plaintiff shall make one of the affidavits on which an attachment might issue under the laws of this State, and shall give bond in double the amount of the debt and costs, with at least three sufficient securities, conditioned as provided for by the attachment laws of this State, and approved by the judge, justice, register or clerk of the court, execution or other legal process shall issue on said judgment in the same manner as if this act were not in force ; and the same remedies, pleas and proceedings may be had on such affidavit and bond as are provided for by the attachment laws of this State ; Provided, That the defendant may give bond, payable to the plaintiff, in double the amount of the debt, with sufficient security conditioned for the payment of the debt, to be approved by the sheriff, constable, or register taking the same, which bond shall be retained by such officer to the court ; and said bond shall operate as a judgment, on which the judge, justice, register, or clerk of the court shall issue execution at the expiration of the time for stay of execution provided for by this act, and the defendant may give said bond before or after a levy of the writ of execution or process, and thereupon the officer taking the same shall return the writ and bond forthwith.

Sec. —. *Be it further enacted*, That this act shall continue in force until after the adjournment of the next regular session of the General Assembly of this State ; Provided, That it shall not apply to or affect any debt or liability created since the 10th day of May, A. D., 1865, or to decrees against guardians, executors, or administrators on final settlements in the Probate or Chancery Courts.

Sec. —. *Be it further enacted*, That the lien of all payment and decrees created by this act may be released and removed from the property of the defendant upon the defendant entering into bond, with satisfactory security, payable to the plaintiff, conditioned for the payment of the debt according to the terms specified in this act, which bond shall be approved by the judge, justice, register or clerk, and shall operate as a judgment against all obligors thereto, after the time herein specified for the stay of executions, and the clerk may then issue execution against all of such obligors.

On motion of Mr. Cobb, the House adjourned till to-morrow morning at 10 o'clock.

FRIDAY, February 9, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Malloy.

On motion of Mr. Worthy, the reading of the journal was suspended to permit him to offer a resolution as follows ;

Which was adopted :

*Resolved*, (The Senate concurring) That the Code of Criminal Laws, together with their report—prepared by the commissioners heretofore appointed by the Governor—be referred to a joint select committee of the two Houses of this General Assembly; the committee of this House to consist of five members, and from the Senate three members—and that said joint committee shall have leave to sit during the sessions of the General Assembly, and call before them said Commissioners for explanation as they may think best, and report at an early day by bill or otherwise.

*Resolved further*, That the Senate is hereby notified of the possession by this House of said Criminal Code, and report from said Commissioners, and respectfully ask its concurrence in the foregoing resolution.

The Speaker appointed Messrs. Worthy, Waller, Smith of Choctaw, Cox, and Bethea, the committee on the part of the House.

The Clerk was directed to give notice forthwith to the Senate of the adoption of the resolutions.

On motion of Mr. Goodwin,

The reading of the journal was further suspended, to take up the Senate preamble and resolution, relative to apprehended misrepresentations at Washington and in the Northern States, of the disposition of the people of Alabama towards the Government at Washington.

The preamble and resolution were concurred in by the House, and Messrs. Cox, Morse, Goodwin, Reese, and Gibson were appointed by the Speaker, the committee on the part of the House.

Leave of absence was granted Messrs. Judkins, Savage and Gafford.

On motion of Mr. Vansandt,

The resolution to prohibit any member of the House from speaking longer than ten minutes at any one time, during the remainder of the present session,

Was taken up.

Mr. Goodwin moved to lay the resolution on the table. Lost.

Mr. Moore, of Coffee, moved to strike out "ten" and insert in lieu thereof "twenty."

Mr. Hare moved to strike out "ten" and insert "thirty."

Mr. Worthy moved to postpone till Monday next.

Lost.

A division of the question being called for, the vote was taken first on striking out, and lost.

On motion of Mr. Gibson,

The further consideration of the resolution was indefinitely postponed.

Mr. Tompkins moved to further suspend, to allow him to introduce a bill, and Mr. Potter to offer a resolution.

Adopted.

Mr. Tompkins introduced a bill, to authorize the incorporation of companies for improving burial grounds;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Potter offered the following preamble and resolution, which were adopted:

"Whereas, the Convention of the State of Alabama at its late session in September last, passed a resolution as follows, to-wit:

*Resolved*, That the public printers be and they are hereby ordered to print one hundred and fifty of the journals of this Convention as soon after the adjournment thereof as practicable, and that the Secretary of State be and is hereby instructed to forward one copy of the same to each delegate to this Convention; and whereas, sufficient time has elapsed for said printing to have been done, and said journals have not been distributed as required by said resolution of said Convention, therefore,

*Resolved*, That the Committee on Public Printing be and they are hereby instructed to investigate the causes why the said journals have not been distributed, and if the same have not been delivered to the said Secretary for distribution, to inquire into the cause of the delay, and that they report the facts to this House at the earliest possible day."

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act to incorporate the Stonewall Insurance Company;

An act for the relief of A. Wax, of Marion county;

An act to encourage the erection and repairs of buildings and machinery in the county of Madison.

Mr. Mabry, by leave, offered the following resolution, which was adopted:

*Resolved*, That a select committee of five be appointed by

the chair, whose duty it shall be to examine the existing laws in relation to small pox and other contagious diseases, and to report whether any additional legislation is necessary to arrest the said disease.

The Speaker appointed Messrs. Mabry, Moore of Perry, Moore of Coffee, Richardson and Whitfield, said committee.

Mr. Thrasher, by leave, from the Committee on Roads and Highways, reported favorably to the Senate bill,

To repeal an act in relation to the toll at Wetumpka bridge;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Sheffield moved to further suspend the reading of the Journal to take up the Senate bill,

To regulate judicial proceedings.

The motion was adopted, and the question being first taken on the amendment of Mr. Smith, of Choctaw, to the substitute offered by Mr. Hare, it was lost. Yeas 24, Nays 49.

YEAS—Messrs. Clark of Lawrence, Cox, Doster, Ellis, Grant, Hardie, Leeper, Mabry, Malone, McAlexander, McCann, McCoy of Russell, McMillan, Moore of Coffee, Moore of Perry, Oliver, Palmer, Pipkin, Richardson, Robinson of Baldwin, Smith of Choctaw, Waller, Warren and Worthy—24.

NAYS—Messrs. Ashford, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Gafford, Goodwin, Hand, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Lindsey, Manasco, McBee, McCain, McCoy of Tallapoosa, Odum, Padgett, Pierce, Potter, Raisler, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Walker, Williams of Jackson, Williams of Randolph, and Willhite—49.

Mr. Bethea offered a substitute for the pending substitute.

Mr. Cooper, (Mr. Goodwin in the chair,) moved the previous question, and on the vote being taken, the call for the previous question was not sustained.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed the following bills:

To define the relative duties of master and apprentice;

To incorporate the Selma and Montgomery Navigation Company;

To release the right of the State to escheat the estate of

Harriet White, deceased, late of Madison county, in favor of Worley White ;

For the relief of Elizabeth, *alias* Eliza Pizzala ;

To regulate the office of Attorney General ;

To extend the jurisdiction of the Courts of Chancery in the settlement of insolvent estates ;

To incorporate the Mississippi and Alabama Oil and Mining Company ;

To establish a new county, to be called the county of Crenshaw ;

To fix the amount of printing to be done for the State and the compensation for the same.

M. TAUL, Secretary.

Mr. Bankhead moved to suspend the business before the House, to enable him to offer a resolution.

Lost.

Mr. Tompkins moved to suspend the business before the House, to enable him to offer a resolution.

Lost.

Mr. Bethea, by unanimous consent, withdrew the substitute offered by him.

Mr. Smith, of Choctaw, offered the following amendment to the substitute of Mr. Hare :

“SEC. —. *Be it further enacted*, That no judgment or decree shall hereafter be rendered by any court of law or equity in this State upon any contract made prior to the 1st day of May, 1865.”

On motion of Mr. Echols, the amendment of Mr. Smith, of Choctaw, was laid on the table.

Mr. Richardson offered an amendment by way of substitute, and the vote being taken on its adoption. It was lost—Yeas 36, Nays 45.

YEAS—Messrs. Borden, Bourland, Brandon, Clark of Lawrence, Clark of Mobile, Connelly, Doster, Frazer, Freeman, Gibson, Goodwin, Hand, Hardie, Lanier, Leeper, Malone, Manasco, McAlexander, McCoy of Russell, McMillan, Meadors, Moore of Coffee, Morse, Owens, Palmer, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Stringer, Tompkins, Waller, Warren, and Worthy—36.

YEAS—Messrs. Speaker, Ash, Bankhead, Bush, Brooks, Caffey, Callaway, Chapman, Cobb, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Hare, Hawthorne, Henry, Humphrey, Jones, Ledbetter, Lindsey, Malloy, McCain, McCann, McCoy of Tallapoosa, Odum, Oliver, Pad-

gett, Pierce, Potter, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Whitfield, Williams of Jackson, and Wilhite—13.

Mr. Cox offered an amendment by way of substitute.

On motion of Mr. Goodwin, this substitute was laid on the table—Yeas 54, Nays 27.

YEAS—Messrs. Ash, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Gafford, Gibson, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Mabry, Malloy, Manasco, McAlexander, McBee, McCoy of Tallapoosa, Meadors, Oliver, Padgett, Pierce, Potter, Raisler, Reese, Sheffield, Smith of Jackson, Steadham, Stringer, Tompkins, Walker, Waller, Warren, Whitfield, and Wilhite—54.

NAYS—Messrs. Speaker, Bankhead, Brooks, Cobb, Cotten, Cox, Frazer, Freeman, Leeper, Malone, McCain, McCann, McMillan, Moore of Perry, Morse, Owens, Palmer, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith, of Choctaw, Sturdivant, Thrasher, Vansandt, Williams of Jackson, Williams of Randolph, and Worthy—27.

Mr. Morse offered a substitute for the pending substitute of Mr. Hare, and the vote being taken as to its adoption it was lost.

Message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate concurs in the resolution of the House to refer the report of the commissioners appointed by the Governor to prepare a penal code to a joint committee of the two Houses, to consist of five members from the House and three from the Senate, and Messrs. Cooper, Felder, and Lindsay are the committee on the part of the Senate.

M. TAUL, Secretary.

Mr. Worthy offered the following amendments to the substitute offered by Mr. Hare, which was adopted.

SEC. —. *Et it further enacted*, That no sale of personal or real property shall be had by virtue of any mortgage, or deed of trust, or other conveyance with power of sale until the expiration of two years, unless by consent of the debtor in writing, signed by him in the presence of two witnesses.

Mr. Tompkins moved the previous question, and the vote being taken on the motion, it was lost.



The substitute offered by Mr. Hare, as amended, was then adopted. Yeas, 43; nays, 30.

YEAS—Messrs. Bourland, Bush, Caffey, Callaway, Chapman, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Dobson, Echols, Hand, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Manasco, McCain McCoy of Tallapoosa, Odum, Oliver, Pierce, Potter, Reese, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vumsandt, Walker, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—43.

NAYS—Messrs. Speaker, Ash, Borden, Brooks, Clark of Mobile, Cobb, Cox, Doster, Ellis, Frazier, Freeman, Gibson, Goodwin, Malone, McAlexander, McBee, McMillan, Moore of Coffee, Morse, Raisler, Richardson, Robinson of Baldwin, Smith of Choctaw, Stringer, Sturdivant, Waller, Warren, and Whitfield—30.

The constitutional rule being suspended, the substitute was read the third time and lost. Yeas 39, nays 41.

YEAS—Messrs. Bush, Caffey, Callaway, Chapman, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Dobson, Echols, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Manasco, McCoy of Tallapoosa, Odum, Potter, Reese, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Williams of Jackson, Williams of Randolph, and Worthy—39.

NAYS—Messrs. Ash, Ashford, Borden, Bourland, Brooks, Clark of Lawrence, Clark of Mobile, Cobb, Cox, Doster, Ellis, Frazer, Freeman, Gibson, Goodwin, Grant, Hand, Hardie, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McMillan, Meaders, Moore of Coffee, Morse, Oliver, Palmer, Pipkin, Raisler, Richardson, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Waller, Warren, and Wilhite—41.

By leave of the House, the following members were permitted to spread upon the Journals their reasons for voting against the bill, as follows:

The undersigned protests against the passage of the bill,

1. Because it is unconstitutional.
2. Because it prohibits the sale of mortgaged property for two years, without the consent of the mortgagor in writing, when the mortgagor may be dead, or gone to parts unknown.

JOSHUA MORSE.

The undersigned voted against the bill "to regulate judicial proceedings," for the reason, that they believe it to be unconstitutional, that it will be so declared, and that, consequently,

it will not protect the people as designed. They have therefore voted against the bill.

JOHN MOORE, of Perry,  
 R. B. WALLER, of Greene,  
 H. PIPKIN, of Barbour,  
 Z. F. FREEMAN, of Morgan,  
 F. LEB. GOODWIN, of Franklin,  
 C. W. RAISLER, of Limestone,  
 J. W. WILHITE, of Winston,  
 G. W. ASH,  
 GEO. S. COX, of Lowndes.  
 J. C. MEADORS,  
 W. J. BORDEN,  
 F. B. CLARK, of Mobile,  
 JOHN M. CLARK,  
 ROB'T D. STURDIVANT,  
 ALEXANDER FRAZER,  
 W. W. McMILLAN,  
 E. McALEXANDER,  
 JOHN GRANT,  
 CHARLES S. G. DOSTER.  
 N. L. BROOKS.

On motion of Mr. Gibson the House adjourned till ten o'clock to-morrow morning.

---

SATURDAY, February 10th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

The journals of Thursday and Friday read and approved.

Mr Pipkin moved a suspension of the business before the House, to enable the Committee on the Judiciary and on Corporations to report on certain Senate bills, and to allow Mr. Richardson to offer a resolution ;

Adopted.

Mr. Smith, of Choctaw, from the Judiciary Committee, reported the following amendment to the Senate bill,

To establish the city court of Eufaula.

Amend section 4th, by striking out the word "three," and inserting the word "two."

Strike out all between the word "January," and the word "of" after the word "September," and insert "3d Monday in July."

Strike out the word "September," in the third line of section 5, and insert "July," and in the 5th line, strike out the words "June and September," and insert "July."

Insert in the ninth line of section 6th, between the words "cases" and "except," the words "co-extensive with Barbour county."

In second line of section 12th, strike out "three thousand," and insert "twenty-two hundred and fifty."

On motion of Mr. Pipkin, the amendments were laid on the table.

Mr. Cotten moved to amend, by striking out the word "county," and inserting "city."

Lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Tompkins from the committee on Corporations, reported favorably to the Senate bill, to incorporate the Eufaula Gas Light company ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Richardson offered the following resolution, which was adopted :

*Resolved*, That the engineering clerk of the House be authorized to employ such assistance as he may require to discharge the duties of his office, and that the assistants heretofore employed by him are recognized as proper and entitled to pay as such."

On motion of Mr. Mabry, the vote by which the House rejected the substitute for the Senate bill, to regulate judicial proceedings,

Was reconsidered, and the vote ordering it to a third reading was reconsidered, and it was referred to a select committee of one from each Congressional District, to be selected by the members from each district; and the committee to be allowed to sit during the sessions of the House.

On motion of Mr. Thraser, the House took an informal recess of fifteen minutes, to enable the members of the several Congressional Districts to choose their committee-men to act as above indicated.

The Speaker having called the House to order, reported the following members as having been duly chosen to act on said committee :

Mr. Tompkins, .....	from the 1st District.
“ Brooks, .....	“ “ 2d “
“ Frazer, .....	“ “ 3d “
“ Smith of Choctaw, .....	“ “ 4th “
“ Sheffield, .....	“ “ 5th “
“ Richardson, .....	“ “ 6th “

Mr. Leeper, by leave, offered the following resolution, which was adopted:

“Whereas,” it is ascertained that a portion of the salaried officers of the State have within a few days past obtained warrants from the Comptroller for the salaries falling due to them during the late war: Therefore—

“*Be it resolved by the House of Representatives of the State of Alabama, That the Comptroller of Public Accounts be instructed to report to this House as early as practicable, the number, character, and amount of the warrants so drawn by him, and by what authority he has drawn the same.*”

#### SPECIAL ORDERS.

The bill to aid Agriculture in the State of Alabama;  
Was taken up.

Mr. Pipkin moved to amend by engrossed ryder as follows:

“SEC. —. *Be it further enacted, That the Governor shall in no case sell the bonds of the State at less than their par value*”;

Which engrossed ryder was read the first, second and third times, under a suspension of the constitutional rule, and adopted.

The vote being then taken on its passage, it was lost. Yeas, 41; nays, 39; a constitutional majority not voting in the affirmative.

YEAS—Messrs. Speaker, Ash, Bankhead, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Frazer, Goodwin, Hand, Hare, Hawthorn, Humphrey, Jones, Ledbetter, Leeper, Lindsey, Manasco, McAlexander, McCain, McCoy of Russell, McCoy of Tallapoosa, Odum, Palmer, Pipkin, Potter, Sheffield, Steadham, Stringer, Thrasher, Walker, and Williams of Jackson—41.

NAYS—Messrs. Ashford, Borden, Bourland, Clark of Lawrence, Clark of Mobile, Davis of Bibb, Doster, Echols, Ellis, Freeman, Gibson, Grant, Hardie, Henry, Lanier, Mabry, Malone, Malloy, McBee, McCann, McMillan, Meadors, Oliver, Padgett, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of

Chambers, Smith of Choctaw, Smith of Jackson, Sturdivant, Thorn, Tompkins, Waller, Whitfield, Williams of Randolph, Wilhite, and Worthy—39.

Mr. Richardson, from the Judiciary Committee, by leave, reported a substitute for the bill—

To procure artificial limbs for disabled soldiers, and for the education of the children of deceased soldiers ;

Which was adopted, and pending the further consideration of which,

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the

#### GENERAL ORDERS.

The substitute of the Judiciary Committee, for several bills referred to that committee, and entitled,

An act granting a stay of execution on all judgments and decrees of the several courts of this State ;

And which had been ordered to be printed, and made the special order for Friday, the 3d instant, at 12 o'clock m., was taken up, and referred to the select committee of one from each Congressional District, with the several House bills, for which it was substituted by the Judiciary Committee.

The adverse report of the Judiciary Committee, to the Senate bill—

To prevent freedmen and other persons from owning firearms and carrying concealed weapons.

Was concurred in.

The report and substitute of the Judiciary Committee, and the bill,

To authorize persons who have executed attachments under military order on sheriffs who have or may have property so attached, turned over to them by order of court, to take replevy bonds for the same ;

Was taken up, and

On motion of Mr. Bethea, were each laid on the table.

The adverse report of the Judiciary Committee to the bill,

In reference to indictable offences committed in the State of Alabama,

Was taken up, and concurred in.

On motion of Mr. Smith, of Choctaw,

The Senate bill, to punish assaults with intent to murder, rob, &c., with death ;

Was laid on the table.

The Senate amendment to the House bill,

To incorporate the Cahaba Mining Company ;

Was concurred in.

The Senate bill—

To explain the meaning and intent of an act the more effectually to prevent the offences of grand larceny, arson and burglary, passed at the present session of the General Assembly, approved December 15, 1865 ;

Was taken up, read the third time, under a suspension of the constitutional rule and passed ; and

On motion of Mr. Smith, of Choctaw, was laid on the table.

The Senate bill—

To declare Caroline Moore, a free dealer ;

Was taken up, read the third time, under a suspension of the constitutional rule, and passed.

The bill to protect proprietors and occupants of premises and householders from intrusion ;

Was taken up, and on motion of Mr. Mabry, was laid on the table.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Southern Press Association ;

To declare Centre Bogue Creek, in Washington county, from its mouth on the Tombigbee river to Donaldson's bridge, a public highway ;

To incorporate the Mississippi Valley Company ;

To repeal an act therein named.

The Senate has amended, as therein shown, and passed the House bill—

To authorize the commissioners court of Madison county to establish gates on the public roads of said county ;

And has passed the House bills—

To regulate the time of holding the Chancery Court in the first district of the Southern Chancery Division of this State, and for other purposes therein named ;

For the protection of cattle owners of Coffee county ;

To authorize the commissioners of revenue of Mobile county to issue bonds for certain purposes ;

To amend section 2313 of the Code ;

To legalize marriages that took place within the Federal military lines during the occupation of the State by the enemy, between the 11th day of April, 1862, and the 1st day of July, 1865 ;

For the relief of Margaret A. Hopkins, of Fayette county ;  
 To constitute Mary A. King a free dealer ;  
 To revive the charter of North Alabama College ;  
 To regulate the fees of justices of the peace and constable of Demopolis Beat, in Marengo county, and for other purposes ;

To authorize the City Council of Demopolis to levy a special tax for the purpose of building a city jail, &c.

To regulate the fees of all county and district officers in the counties of Walker and Winston .

To repeal an act entitled an act to prevent the sale of spirituous liquors within three miles of the town of Trianna, in Madison county ;

To legalize the election of commissioners of roads, for the county of Mobile, held first Monday in November, 1865 ;

To provide for the publication of legal notices for the county of Washington ;

To provide for the working the roads, and building bridges in Washington county ;

To prohibit the sale of spirituous or vinous liquors within three miles of St. Andrew Chapel, in Washington county ;

To declare Margaret Carr of Pike county a free dealer ;

Authorizing the transfer of the estate of Andrew Kaiser, deceased, from Walker county to Lawrence county ;

To incorporate the Ivey Creek Academy, in the county of Autauga.

The Senate has rejected the following House bills :

For the relief of James Berry, of the town of Dadeville, Tallapoosa county ;

To re-establish the lines of Ackersville Beat, in Wilcox county ;

To protect the people of Walker county against frauds.

M. TAUL, Secretary.

The amendment to the rules of the House offered by Mr. Gibson on the 1st instant, was taken up, and the House refused to adopt it.

The resolution offered by Mr. Mabry, on the 18th ultimo, to fix the daily time of convening the House at 9 o'clock a. m., was taken up, and

On motion of Mr. Williams, of Jackson, was laid on the table.

The vote being taken on the motion of Mr. Reese to reconsider the vote laying on the table the bill—

To define the status of persons of color, and other persons in Alabama,

It was lost.

The Senate's substitute for the House bills—

To repeal an act to suppress more effectually the distillation of grain ;

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer before the expiration of the contract, &c.;

Were concurred in by the House.

The amendment of the Senate to the House bill,

To incorporate the North Alabama Oil and Mining Company,  
Was concurred in.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to repeal an act entitled "an act to regulate interest upon debts in payment of which Confederate treasury notes may be tendered or refused, approved 17th November, 1862 ;

An act to amend section 3721 of the Code in relation to the writ of *habeas corpus* ;

An act to make Jane P. Lyon, of Monroe county, a free dealer ;

An act to erect a suitable monument over the grave of Canada Butler ;

An act to preserve the chartered rights of the Broad Street Hotel Company ;

An act to declare Mary E. Lawrence, wife of William F. Lawrence, of the county of Chambers, a free dealer ;

An act to authorize the probate judges of this State to settle amounts due on estray bonds without suit ;

An act for the relief of Lafayette Cooper, of Autauga Co. ;

An act for the relief of John S. Brown, of Autauga county ;

An act to regulate contests of elections in certain cases ;

An act to compensate John W. Skipper for feeding prisoners ;

An act to authorize Alfred Iverson, R. L. Mott, G. M. Ingersoll, and Horace King to make a turnpike road in the town of Girard, in Russell county.

The Senate bill to incorporate the Alabama Immigration White Labor and Real Estate Agency Company, was next taken up.

The amendment to the engrossed ryder was adopted, and the engrossed ryder was read the third time, under a suspension of the constitutional rule, and adopted.

Mr. Cobb moved to adjourn till Monday morning, 10 o'clock.

Lost.



The question being on the passage of the bill, it was lost. Yeas 31 ; nays 45.

YEAS—Messrs. Speaker, Bethea, Borden, Brooks, Caffey, Clark of Mobile, Culver, Doster, Frazer, Grant, Hare, Hawthorne, Henry, Jones, Lanier, Mabry, McAlexander, McMillan, Odum, Owens, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Baldwin, Tompkins, Waller, Whitfield, Williams of Randolph, and Worthy—31.

NAYS—Messrs. Ashford, Bankhead, Bourland, Brandon, Bush, Callaway, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Cox, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Gibson, Goodwin, Hand, Hardie, Ledbetter, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Moore of Coffee, Morse, Padgett, Potter, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Walker, Warren, Williams of Jackson, and Wilhite—45.

Leave of absence for one week was granted to Mr. Thrasher.

On motion of Mr. Padgett, the House adjourned till Monday morning, ten o'clock.

---

MONDAY, February 12, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hand.

Journal of Saturday read and approved.

On motion of Mr. Ellis, the business before the House was suspended to take up the Senate bill,

For the relief of Madison B. Camps, and Eliza J. Hatfield, of Calhoun county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Whitfield, from the Committee on Ways and Means, by leave, reported a substitute for the bill,

To loan seventy thousand dollars to the University of Alabama.

The substitute was adopted, read the 3d time under a suspension of the constitutional rule, and lost. Yeas 66, nays 10 ; a constitutional majority not voting in the affirmative.

YEAS—Messrs. Speaker, Ash, Ashford, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Freeman, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry,

Humphrey, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, Meadors, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Walker, Waller, Warren, Whitfield, and Worthy—66.

NAYS—Messrs. Bankhead, Lindsey, McCoy of Russell, McCoy of Tallapoosa, Moore of Coffee, Oliver, Robinson of Chambers, Steadham, Williams of Jackson, and Wilhite—14.

On motion of Mr. Williams, of Jackson, the vote by which the bill was lost, was reconsidered, and the bill was passed. Yeas 70, nays 12.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cox, Creushaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Freeman, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McLester, Meadors, Moore of Perry, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, and Worthy—70.

NAYS—Messrs. Callaway, Cotten, Dobson, Lindsey, McCoy of Russell, McCoy of Tallapoosa, Moore of Coffee, Oliver, Robinson of Chambers, Steadham, Williams of Randolph, and Wilhite—12.

The bill was ordered forthwith to the Senate.

Leave of absence was granted Mr. Chapman.

#### CALL OF THE COUNTIES.

Mr. Meadors introduced a bill—

To authorize William O. Sharpe, of the county of Chambers, to sell a certain tract of land therein named;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Governor, by Mr. Dalton :

*Mr. Speaker:*

His Excellency the Governor has approved and signed the

following acts, which originated in the House of Representatives, viz :

An act to incorporate the Decatur and Dannville Railroad Company ;

An act to encourage the erection and repairs of buildings and machinery, in the county of Madison ;

An act for the relief of A. Wax, of Marion county ;

An act to amend an act entitled an act to authorize the commissioners court of the county of Lauderdale to issue treasury notes to pay for the building of important bridges, repairing of courthouse, and other purposes, approved 14th December 1865.

An act to amend section 1099 of the Code, so far as the same relates to Limestone county ;

An act for the relief of the people of Walker county, and for other purposes ;

An act to incorporate the Stonewall Insurance Company.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To incorporate the Mobile Manufacturing Company ;

To legalize the issue of change bills by the authority of the City Council of Montgomery ;

For the relief of W. B. & A. R. Bell & Co. ;

For the relief of Abner Killough, late Sheriff of Jefferson county ;

For the relief of Thos. Lawrence, guardian, &c. ;

To authorize Catherine Hughes, administratrix of the estate of Joseph Hughes, deceased, late of Cherokee county, and to keep the estate of her said husband together, with power to sell the personal effects at public or private sale, and for other purposes ;

To amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad Company, approved November 9th, 1861 ;

To encourage immigration and to protect immigrant labor.

The Senate has passed the following House bills :

For the relief of Ann C. Stribling, of the county of Washington, and to legalize her marriage with Powell B. Johnston ;

To authorize the commissioners court of Pickens and Coffee counties to levy a special tax for the purpose therein named ;

For the relief of Mrs. Elizabeth Allen, of Montgomery county ;

To authorize the judge of the city court of Selma to appoint a solicitor for said court ;

To repeal an act entitled an act to repeal certain acts regulating judicial proceeding, and for other purposes ;

For the relief of Daniel L. Logan and Martha Musgroves ;

To ratify the issuance of change bills under certain circumstances in Greene and Sumter counties ;

To authorize the Alabama Life Insurance and Trust Company, and other chartered fire insurance companies of Mobile to go into liquidation ;

To suspend the operations of sections two and seven of an act therein named ;

For the relief of Enoch Downing, of Montgomery county ;

To amend an act entitled an act to regulate the toll of grist mills in this State ;

To incorporate The Alabama Mining, Manufacturing and Improvement Company.

And has amended as therein shown, and passed, the House bill,

To amend certain sections of the charter and amended charter of the Alabama and Tennessee River Railroad Company, and to enlarge the powers of said company.

The Senate has indefinitely postponed the House substitute for the Senate bill,

To punish malpractices by servants and employees of incorporated companies.

The Senate has rejected the House bill,

To form an additional district in the Southern Chancery Division.

M. TAUL, Secretary.

Mr. Branden introduced a bill—

To prohibit the sale of vinous or spirituous liquors in or about the State Capitol, or on or about the Capitol grounds ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Echols moved to refer it to the Committee on Destitution and Supply.

Lost. Yeas 15 ; nays 56.

YEAS—Messrs. Ashford, Bankhead, Cotten, Culver, Goodwin, Hare, Manasco, McAlexander, McCoy of Russell, Oliver, Raisler, Richardson, Robinson of Chambers, Steadham and White—15.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cobb,

Connelly, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Freeman, Grant, Hand, Hardie, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, McBee, McCain, McCann, McCoy of Tallapoosa, Meadors, Moore of Coffee, Morse, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Reese, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, and Worthy—56.

Mr. Robinson, of Chambers, moved to lay the bill on the table.

Lost. Yeas 16; nays 57.

YEAS—Messrs. Bankhead, Bethea, Goodwin, Hare, Manasco, McCoy of Russell, Oliver, Pierce, Raisler, Richardson, Robinson of Chambers, Steadham, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—16.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Freeman, Grant, Hand, Hardie, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, Meadors, Moore of Coffee, Morse, Odum, Owens, Palmer, Padgett, Pipkin, Potter, Reese, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, and Whitfield—57.

Mr. Richardson offered the following amendment:

*Provided, also,* That this act shall be so construed as to prohibit the sale of intoxicating liquors anywhere in this city during the session of this General Assembly.

On motion of Mr. Padgett, the amendment was laid on the table.

Yeas 49; nays 24.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Freeman, Grant, Hand, Hardie, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, McBee, McCann, Meadors, Moore of Coffee, Morse, Owens, Palmer, Padgett, Potter, Reese, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, and Whitfield—49.

NAYS—Messrs. Bankhead, Cobb, Cotten, Echols, Gibson, Hare, Lindsey, Manasco, McAlexander, McCain, McCoy of Russell, McCoy of Tallapoosa, Pierce, Raisler, Richardson, Robinson of Chambers, Steadham, Walker, Warren, Williams of

Jackson, Williams of Randolph, Willhite, and Worthy—24.

On motion of Mr. Padgett, the constitutional rule was suspended to give the bill a third reading forthwith.—Yeas 56, Nays 15.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Mobile, Cobb, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, McBee, McCain, McCann, McCoy of Tallapoosa, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pipkin, Potter, Reese, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, Warren, Whitfield, Williams of Randolph, and Worthy—56.

NAYS—Messrs. Bankhead, Goodwin, Humphrey, Lindsey, Manasco, McAlexander, McCoy of Russell, Oliver, Pierce, Raisler, Richardson, Robinson of Chambers, Steadham, Walker, and Willhite—15.

The hour of 12 o'clock having arrived,

On motion of Mr. Morse, the orders of the day were suspended to continue the call of the counties,

The bill under consideration was read the third time, and passed.

Yeas 52, Nays 11, and was ordered forthwith to the Senate.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Grant, Hand, Hare, Hawthorne, Henry, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, McBee, McCain, McCann, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pipkin, Potter, Raisler, Reese, Smith of Jackson, Thorn, Tompkins, Walker, Warren, Whitfield, Williams of Jackson, and Worthy—52.

NAYS—Messrs. Goodwin, Hare, Lindsey, Manasco, McAlexander, Oliver, Pierce, Robinson of Chambers, Steadham, Williams of Randolph, and Willhite—11.

The Speaker laid before the House a communication from M. A. Chisholm, Comptroller of Public Accounts, in response to a resolution of the House.

COMPTROLLER'S OFFICE, )  
MONTGOMERY, February 12, 1866. )

To the Speaker of the House of Representatives :

Sir: In reply to a resolution calling on me to report "as early as practicable, if any of the salaried officers of the State

have obtained warrants from the Comptroller for their salaries, falling due to them during the late war; the number, character and amount of the warrants so drawn, and by what authority" I have drawn "the same."

I have issued warrants to the following State officers, (with the amount annexed) for "salaries due them during the late war," in accordance with the advice and decision of the Attorney General of this State :

W. J. Greene, Comptroller:.....	\$723 90
D. B. Graham, Treasurer.....	784 25
W. D. Brown, Marshal.....	310 63
W. D. Brown, Clerk in the Sec'y of State's office....	150 81
W. D. Allen, Clerk in Comptroller's office.....	301 63
John A. Graham, Auditor.....	603 25
John B. Taylor, Sup't Education.....	603 25
John W. Shepherd, Supreme Court Reporter.....	361 95
	\$3839 67

In addition to the above, there has been a small amount of Jailors' accounts and fees paid, which were embraced with some of those made since the inauguration of the Provisional Government.

Respectfully,

M. A. CRUSHOLM,  
Comptroller.

On motion of Mr. Leeper, the report was referred to the Judiciary Committee, with instructions to report what legislation, if any, is necessary on this subject.

The Speaker also laid before the House abstracts, reports and vouchers from B. M. Woolsey, late Salt Commissioner, which was referred to the Committee on Ways and Means.

Mr. Morse presented a report of the Probate Judge of Choctaw county, of the indigent persons in that county, which was referred to the Committee on Destitution and Supply.

Mr. Morse, by leave, offered the following resolution, which was adopted :

"*Resolved*, That the Judiciary Committee be and they are hereby required to report to this House, the joint resolutions heretofore introduced, instructing the Attorney General to institute proceedings against the Selma and Meridian Rail Road for the purpose of vacating the charter of said company, and report the same without further delay."

Bills were introduced by—

Mr. Morse, to regulate the redemption of lands sold for taxes.

Which was read the first and second times, under a suspension of the constitutional rule, and made the special order for 11 a. m., to-morrow.

By the same, to regulate the toll of grist mills in this State ;

By Mr. Lanier, to exempt from sale under execution or decree of court, five thousand dollars worth of property in addition to amount now exempt, &c. ;

By Mr. Bush, to give chancery courts jurisdiction of certain cases therein named ;

By Mr. Bethea, to increase the fees of the register in chancery, at Montgomery, Ala. ;

By Mr. Lindsey, to procure money for the support of indigent families ;

Which were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Morse, defining the duties of the municipal officers in cases of small pox ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Select Committee on Contagious Diseases.

By Mr. Mabry, to define the jurisdiction of judges of probate in certain cases ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to a Select Committee, composed of Messrs. Mabry, Worthy and Whitfield.

By the same, to require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State ;

By Mr. Whitfield, to authorize the Governor of this State to sell the Alabama State Arsenal building, in the city of Tuscaloosa ;

By Mr. Malloy, regulating the sale of vinous and spirituous liquors in the town of Hard Ridge, in Dale county ;

By Mr. Bethea, for the relief of Susan Wilson ;

By Mr. Howthorne, to make Eliza Walton, of Wilcox county, a free dealer ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Padgett, by leave, offered the following resolution, which lies over one day under the rule :

*Resolved*, That this House meet at half-past 9 a. m., and adjourn at two o'clock p. m., to meet at half-past three in the



evening, for the purpose of taking up the Senate messages and the call of the committees.

Mr. Echols, a bill for the protection of incorporated companies ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Smith, of Choctaw, for the relief of C. M. Vaiden ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Tompkins, to incorporate the Alabama, Tennessee, and North Western Oil and Mining Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. McCoy of Russell, to exempt from levy and sale two hundred pounds of lint cotton for the use of every family ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Hare moved to amend by striking out "two," where it occurs, and insert "five."

Lost.

The bill was then read the third time, under a further suspension of the constitutional rule, and passed.

Mr. Mabry, from the Select Committee to whom was referred the bill to define the jurisdiction of judges of probate in certain cases, reported favorably thereto, with the following amendment :

*Provided further,* That no order shall be granted by the said probate court only on proof made as in chancery cases, by two disinterested witnesses that the estate of said ward will be manifestly enhanced by the proposed improvement.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith, of Choctaw, from the Select Committee, to whom was referred the bill "to regulate judicial proceedings," and the other bills of similar character, reported a substitute thereto.

The report of the committee was concurred in, and the substitute adopted.

Mr. Echols moved that the bill be postponed until Wednesday next, and that 133 copies be printed.

Lost.

On motion of Mr. Clark, of Mobile, the House adjourned till

half-past 3 o'clock, this evening, to continue the consideration of the bill under discussion.

EVENING SESSION—3 o'clock, p. m.

The House met pursuant to adjournment, and resumed the consideration of the bill—

To regulate judicial proceedings.

Mr. Hawthorne offered an amendment by way of substitute.  
Lost.

Yeas, 51 ; nays, 27.

YEAS—Messrs. Ash, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Davis of Bibb, Dobson, Doster, Ellis, Freeman, Gibson, Grant, Henry, Humphrey, Ledbetter, Mabry, Malone, Malloy, Manasco, McBee, McCann, McCoy of Russell, Owens, Palmer, Padgett, Pipkin, Potter, Raisler, Reese, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Willhite and Worthy—51.

NAYS—Messrs. Speaker, Ashford, Cobb, Cotten, Crenshaw, Culver, Davis of Barbour, Echols, Goldthwaite, Hand, Hardie, Hare, Hawthorne, Jones, Lanier, Leeper, Lindsey, McAlexander, McCain, McCoy of Tallapoosa, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Robinson of Chambers, and Steadham—27.

Mr. Smith, of Jackson, moved to amend by striking out the word “since,” in the 4th line of the 1st section, and inserting the word “previous.”

Lost.

Mr. Moore, of Coffee, offered the following amendment :

*Provided*, That this act shall not apply to debts contracted at guardian, administration sales or mortgages, with powers of attorney to sell, or cases of debts created for property still in the possession of the debtor.

Mr. Hare moved to amend as follows :

“Strike out sections six and ten, and insert the following : That whenever any debtor has, or is about to remove his or her property out of this State, for the purpose of delaying or defrauding his creditor, such creditor shall have his remedy under the attachment laws, as they now exist in this State.”

Lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Yes, 61 ; nays, 19.

YEAS—Messrs. Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Freeman, Goldthwaite, Hand, Hardie, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Tallapoosa, Meadors, Morse, Odum, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Walker, Waller, Williams of Jackson, and Worthy—61.

NAYS—Messrs. Speaker, Ashford, Bethea, Davis of Bibb, Ellis, Gibson, Grant, Hare, Leeper, Lindsey, McBee, Moore of Coffee, Oliver, Palmer, Sturdivant, Warren, Whitfield, Williams of Randolph, and Wilhite—19.

Mr. Pierce, by leave, introduced a bill—

To exempt certain property therein named, from levy and sale, for the use of every family in this State;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Hare moved to amend by adding "9th. The crop of 1866."

On motion of Mr. Worthy, the bill was laid on the table.

Yeas, 56; nays, 19.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Culver, Davis of Bibb, Dobson, Doster, Ellis, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Henry, Jones, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, Meadors, Moore of Coffee, Moore of Perry, Owens, Palmer, Padgett, Pipkin, Potter, Raisler, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Walker, Warren, Whitfield, Williams of Randolph, Wilhite, and Worthy—56.

NAYS—Messrs. Ashford, Bankhead, Bethea, Cobb, Cotten, Crenshaw, Davis of Barbour, Hare, Lanier, Malloy, McCoy of Tallapoosa, Morse, Odum, Pierce, Richardson, Sheffield, Smith of Jackson, Walker, and Williams of Jackson—19.

Mr. Freeman, by leave, introduced a bill,

To incorporate the Decatur and Pittsburg Petroleum and Mining Company;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hawthorne, from the Select Committee, to whom was referred the bills,

To form a new county, to be called the county of "Hillabee," from portions of Talladega and Randolph counties ;

To form a new county, to be called the county of "Cleburne," from portions of Calhoun and Randolph counties ;

Reported, that a part of the territory embraced in the bill for the formation of one, was also embraced in the bill for the formation of the other ; and that by the time of the meeting of the next General Assembly, the respective friends of each bill might increase the territory of both counties by an alteration of the proposed boundaries, so that each would meet the constitutional requirements, and still in no wise conflict with the other ; and for these reasons, the committee deem it inexpedient to legislate on the subject at this time.

The report of the committee was concurred in.

Mr. Jones, from the Select Committee, to whom was referred the Senate bill,

To establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs ;

Reported favorably thereto, and the bill was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Smith, of Choctaw, the House adjourned till to-morrow morning, 10 o'clock.

TUESDAY, February 13th 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Potter.

The journal of yesterday was read and approved.

Mr. Moore, of Perry, by leave, introduced a bill,

To authorize the commissioners' court of Perry county to furnish the sheriff of said county with necessary books and stationery ;

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Lanier, from the Committee on Corporations, by leave, reported favorably on the Senate bill,

To incorporate the Planters and Merchants Mutual Insurance Company of Mobile ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lanier gave notice that he would move to reconsider the vote by which the House concurred in the adverse report of the Committee on County Boundaries, to the bills,

To form a new county, to be called the county of Hillabee, from portions of Talladega and Randolph counties ;

To form a new county, to be called the county of Cleburne, from portions of Calhoun and Randolph counties, was reconsidered, and

On motion of Mr. Borden, the further consideration of the subject was postponed till Friday, 12 o'clock m.

On motion of Mr. Clark, of Mobile, the call of the counties was suspended, to allow committees to report.

Mr. Hare presented the following protest, which was ordered to be entered on the journals :

#### PROTEST.

I protest against the passage of a bill to regulate judicial proceedings on yesterday by the House of Representatives for the following reasons :

1st. Said bill makes no provisions to stay executions issued prior to the 1st of May, 1865.

2d. Said bill does not prevent suits being brought for the collection of debts, which ought to be done for at least twelve months.

3d. Said bill re-enacted the attachment laws of this State, thereby putting it in the power of the creditor to harrass his debtor.

W. V. HARE.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has originated and passed the following bills:

For the relief of Henderson Shoaf ;

To regulate the appointment of overseers and supervisors of public roads in the counties of Henry, Choctaw and Barbour ;

To repeal section 917 of the Code, relative to pilotage, and all the acts amendatory thereof, and to increase the pay of pilots in the bay or harbor of Mobile ;

To repeal an act to amend an act to authorize Seth Love and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irvinton, Barbour county, approved January 1, 1841 ;

To create and establish a new county out of portions of Calhoun, Cherokee, DeKalb, Marshall, Blount and St. Clair, to be called the county of Stonewall ;

To authorize the probate court of Calhoun county, to grant an

order to the executors of the estate of Peter Black, deceased, to sell at private sale uncurrent bank bills ;

To regulate the cost of revenue stamps in suits at law ;

For the relief of John Callahan ;

it has also adopted—

Joint memorial to the Congress of the United States.

The Senate has amended, as therein shown, and passed the House bill,

Directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers Railroad Company, for a part of the two per cent. fund.

And has rejected the House bill,

Relating to burnt and destroyed records and papers of Limestone county.

M. TAUL, Secretary.

Mr. Pierce, by leave, offered the following resolution :

*Be it Resolved*, That during the remainder of the present session, no member of this House shall hereafter obtain a leave of absence for any length of time, except from sickness of himself or family, or when he is unable to attend by unavoidable causes.

Mr. Tompkins moved to lay the resolution on the table.

Lost. Yeas 37 ; nays 47.

YEAS—Messrs. Ash, Ashford, Brooks, Callaway, Clark of Mobile, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Ellis, Freeman, Hand, Hare, Henry, Leeper, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Russell, Meadors, Moore of Perry, Odum, Owens, Palmer, Padgett, Pipkin, Robinson of Baldwin, Smith of Jackson, Sturdivant, Tompkins, Walker, Warren, and Williams of Jackson—37.

NAYS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Clark of Lawrence, Cobb, Connelly, Davis of Barbour, Dobson, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Humphrey, Jones, Ledbetter, Lindsey, Mabry, McAlexander, McCoy of Tallapoosa, Moore of Coffee, Morse, Oliver, Pierce, Potter, Raisler, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Stringer, Thorn, Waller, Whitfield, Williams of Randolph, Wilhite, and Worthy—47.

Mr. Hare moved to amend by adding the words “ except by a vote of a majority of the House.”

On motion of Mr. Tompkins, the previous question was ordered, and the resolution was lost.

The resolution of Mr. Padgett, offered on yesterday, to regu-

late the time of convening and adjourning the House in its daily sessions, &c., was taken up and adopted.

Mr. Manasco, by leave, introduced a bill supplemental to an act to furnish the county of Walker with books;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule.

On motion of Mr. Tompkins, the vote by which the bill was ordered to its 3d reading forthwith, was reconsidered, and it was referred to the Judiciary Committee.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to ratify the issuance of change bills under certain circumstances, in Greene and Sumter counties;

An act to prohibit the county commissioners of Madison county from levying a greater tax than fifty per cent. on the State tax, for county purposes, for the year 1866;

An act to revive the charter of North Alabama College;

An act authorizing the transfer of the estate of Andrew Kaiser, deceased, from Walker county, to Lawrence county;

An act to regulate the fees of justices of the peace and constables of Demopolis Beat, in Marengo county, and for other purposes;

An act to authorize the commissioners of revenue of Mobile county to issue bonds for certain purposes;

An act to provide for the working the road and building bridges in Washington county;

An act to incorporate the Ivey Creek Academy in Autauga county.

An act to provide for the publication of legal notices for the county of Washington;

An act to increase the salaries of Chancellors and Circuit Judges;

An act to authorize the commissioners court of Morgan county to divide said county into four commissioners districts;

An act for the relief of the county superintendents of education;

An act to declare Margaret Carr, of Pike county, a free dealer;

Joint resolutions to invite immigration to Alabama;

An act to regulate the fees of all county and district officers in the counties of Walker and Winston;

An act to make Elizabeth Ellis, of Macon county, a free dealer;

An act to legalize the elections of commissioners of roads for the county of Mobile, held first Monday in November, 1865;

An act to prevent the sale of spirituous liquors within three miles of the town of Triana, in Madison county.

On motion of Mr. Richardson, the bill—

To procure artificial limbs for disabled soldiers, and for the education of the children of deceased soldiers,

Was taken up.

Mr. Richardson offered the following amendment ;

Which was adopted :

Sec. —. And be it enacted, That the authority to carry on a lottery and all other rights conferred by this act be, and the same are hereby limited to four years, from the 1st day of May, 1866.

Mr. Freeman offered an amendment, by way of substitute.

On motion of Mr. Worthy, the bill and amendment were laid on the table.

Yeas, 40 ; nays, 38.

YEAS—Messrs. Ash, Bourland, Bush, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Culver, Davis of Barbour, Dobson, Ellis, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Henry, Jones, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCann, Moore of Coffee, Odum, Oliver, Owens, Padgett, Potter, Robinson of Baldwin, Stringer, Thorn, Tompkins, Warren, Wilhite and Worthy—40.

NAYS—Messrs. Speaker, Ashford, Bankhead, Bethea, Brooks, Caffey, Cobb, Cox, Doster, Echols, Frazer, Freeman, Gibson, Goodwin, Hare, Manasco, McAlexander, McCair, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Perry, Morse, Pierce, Raisler, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Sturdivant, Walker, Waller, Whitfield, Williams of Jackson and Williams of Randolph—38.

Mr. Smith from Choctaw, from the Judiciary committee, reported favorably to the Senate bill,

To provide for taking the census of the State of Alabama, for the year 1866, as ordered by ordinance of the Convention of 1865 ;

And recommended it as a substitute for the House bill on the same subject, referred to that committee.

Mr. Cooper, (Mr. Sheffield in the chair,) moved to postpone the further consideration of the bill, and made it the special order for 12 o'clock, m. to-morrow. Lost.

Mr. Smith, of Choctaw, moved to suspend the constitutional rule, to give the bill a third reading, forthwith.

Lost. Yeas 40, Nays 41.

YEAS—Messrs. Ash, Ashford, Borden, Bourland, Brooks,



Callaway, Cobb, Cox, Crenshaw, Davis of Barbour, Davis of Bibb, Doster, Echols, Ellis, Freeman, Hardie, Humphrey, Lunnier, Ledbetter, Leeper, Lindsey, Malloy, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Moore of Perry, Palmer, Padgett, Reese, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Waller, and Williams of Randolph—40.

NAYS—Messrs. Speaker, Bankhead, Bethea, Brandon, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Culver, Dobson, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Jones, Malone, McAlexander, McMillan, Meadors, Moore of Coffee, Morse, Odum, Oliver, Owens, Pierce, Pipkin, Potter, Raisler, Sheffield, Tompkins, Walker, Warren, Whitfield, Wilhite and Worthy—41.

The bill was ordered to a third reading on to-morrow.

Mr. Smith, of Choctaw, presented a report from the committee on the Judiciary, on the Joint Resolutions,

To authorize proceedings to be instituted to vacate the charter of the Selma and Meridian Railroad;

Pending the consideration of which, the hour of 2 o'clock having arrived, the House adjourned.

AFTERNOON SESSION, February 13th, 1866, }  
Half past 3 o'clock, p. m. }

The House met pursuant to adjournment.

The Speaker decided that the report from the Judiciary committee, on the Joint Resolutions,

To authorize proceedings to be instituted to vacate the charter of the Selma and Meridian Railroad, was informal, and the Joint Resolutions were recommitted to the committee on the Judiciary, with instructions to report at an early day.

On motion of Mr. Tompkins, the vote by which the bill,

To procure artificial limbs for disabled soldiers, and for the education of the children of deceased soldiers;

Was laid on the table, was reconsidered. Yeas 45, nays 30.

YEAS—Messrs. Speaker, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Culver, Davis of Bibb, Frazer, Gibson, Goodwin, Hare, Humphrey, Jones, Leeper, McAlexander, McCain, McCoy of Tallapoosa, McMillan, Meadors, Moore of Perry, Morse, Owens, Pierce, Raisler, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Sturdivant, Tompkins, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—45.

NAYS—Messrs. Braudon, Brooks, Bush, Callaway, Crenshaw,

Davis of Barbour, Dobson, Doster, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Henry, Lanier, Ledbetter, Lindsey, Mabry, Molone, Maloy, McBee, McCann, McCoy of Russell, Moore of Coffee, Odum, Oliver, Padgett, Pipkin, Stringer, Thorn, and Warren—30.

On motion of Mr. Richardson, the further consideration of the bill was postponed till Friday next, and made the special order for 12 o'clock, m., on that day.

Mr. Doster, from the Judiciary Committee, to whom was referred sundry bills on the subject of fees of county officers, reported a general bill therefor, entitled a bill,

To regulate the fees of county officers in this State ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and—

On motion of Mr. Echols, the bill was postponed and made the special order for Thursday next, at 12 o'clock, m.

On motion of Mr. Meadors, the bill,

To create a new county of portions of Macon, Russell and Chambers ;

Was taken up, the question being on the adoption of the substitute reported from the Committee on County Boundaries.

Mr. Robinson, of Chambers, offered the following amendment, which was adopted :

*Provided*, The citizens in that portion of the county taken from the other counties be taxed to pay their pro rata share of the debt of the respective counties from which it is taken, and the tax assessors and collectors of the counties from which it is taken, are hereby authorized to assess and collect the said pro rata share.

Mr. Gibson offered the following amendment, which was adopted :

SEC. —. *Be it further enacted*, That the census takers of the several counties from which the said proposed county of Lee is taken, shall be required to make return of the census of such portions of their respective counties as are included within the proposed lines of said Lee county, on a separate sheet or paper ; and if it shall appear from the said returns of the census takers of the State of Alabama for the year 1866, that the said proposed county of Lee has not a white population sufficient to entitle it to one representative in the General Assembly of Alabama, or if either of the counties from which said Lee county is proposed to be taken, shall thereby be reduced in population below the one hundredth part of the white population of the State, then this act shall be null and void.

On motion of Mr. Padgett, the House adjourned till half-past nine o'clock to-morrow morning.

---

WEDNESDAY, February 14, 1866.

House met pursuant to adjournment.

Prayer by Rev. Mr. Callaway.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Callaway for the remainder of the session.

On motion of Mr. Tompkins, the Senate bill

To incorporate the Southern Press Association,

Was taken up, and read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Clark, of Mobile, introduced a bill for the relief of married indigent persons in the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Worthy offered the following amendment, which was adopted:

Provided, That no person shall receive the benefits of this act, who is provided for by any existing law; Provided, further, That any person making application for the benefits of this act, shall produce to the Governor satisfactory proof that he is entitled thereto.

The bill was then read the third time, under a further suspension of the constitutional rule, and passed

Yeas 74; nays 5.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Busk, Caffay, Callaway, Chapman, Clark of Mobile, Cobb, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Edwards, Ellis, Frazer, Gibson, Goldthwaite, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCann, McCoy of Russell, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren, Whitfield and Worthy—74.

NAYS—Messrs. Dobson, Goodwin, Malloy, Williams of Randolph, and Wilhite—5.

Message from the Governor by Mr. Dixon.

*Mr. Speaker :*

His Excellency the Governor, has approved and signed the following Acts which originated in the House of Representatives :

An act to erect a suitable monument over the grave of Canada Butler, late member of the House of Representatives from Madison county, who departed this life in this city, December 12, 1862 ;

An act to regulate contested elections in certain cases ;

An act to declare Mary E. Lawrence, wife of William F. Lawrence, of the county of Chambers, a free dealer ;

An act to preserve the chartered rights of the Broad Street Hotel Company, of Selma ;

An act to preserve the chartered rights of the Selma and the Gulf Railroad Company ;

An act to make Jane P. Lyon, of Monroe county, a free dealer ;

An act to amend section 3721 of the Code in relation to the writ of *habeas corpus* ;

An act for the relief of Lafayette Cooper, of Autauga Co. ;

An act to authorize the probate judges of this State to settle amounts due on estray bonds without suit ;

An act to compensate John W. Skipper for feeding prisoners, &c. ;

An act for the relief of John S. Brown, of Autauga county ;

An act to repeal an act entitled "an act to regulate interest upon debts in payment of which Confederate treasury notes may be tendered or refused, approved 17th November, 1862 ;

An act to authorize Horace King to make a turnpike road in the town of Girard, in Russell county.

An act to ratify the issuance of change bills under certain circumstances in Greene and Sumter counties.

On motion of Mr. Smith, of Choctaw, all other business was suspended to allow committees to report.

Mr. McCoy, of Tallapoosa, moved a suspension of the business before the House, to permit him to offer a resolution.

Lost.

The bill—

To form a new county out of portions of Macon, Russell, and Chambers,

Was taken up.

The question being on the adoption of the substitute reported by the committee on County Boundaries,

Mr. McCoy, of Russell, offered the following amendment :

Strike out all after the enacting clause, and insert, That it

is inexpedient to create any more new counties at this session of the General Assembly.

Mr. Gibson moved to lay the amendment on the table.

Lost.

The question then being on the adoption of the amendment offered by Mr. McCoy, of Russell, it was lost.

Yeas 31 ; nays 47.

YEAS—Messrs. Ash, Bourland, Clark of Mobile, Davis of Barbour, Davis of Bibb, Dobson, Grant, Jones, Lindsey, Mabry, Malone, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Moore of Coffee, Odum, Owens, Palmer, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Steadham, Waller, Warren, Whitfield, Williams of Jackson, and Wilhite—31.

NAYS—Messrs. Speaker, Bankhead, Bethea, Borden, Brandon, Brooks, Bush, Caffey, Callaway, Cobb, Connelly, Cox, Crenshaw, Dobson, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Manasco, McBee, McCain, McCann, Moore of Perry, Morse, Oliver, Padgett, Potter, Raisler, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Williams of Jackson, and Worthy—47.

The substitute, as amended, was adopted.

Yeas 50 ; nays 17.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Clark of Mobile, Cox, Crenshaw, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malloy, Manasco, McAlexander, McBee, McCain, Meadors, Morse, Palmer, Padgett, Potter, Raisler, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Thorn, Walker, Williams of Randolph, and Worthy—50.

The bill was then read the third time, under a suspension of the constitutional rule,

And the vote being taken on its passage, resulted in, yeas 47; nays 22.

YEAS—Messrs. Speaker, Bethea, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Mobile, Connelly, Cotten, Cox, Crenshaw, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Malloy, Manasco, McCann, Meadors, Morse, Palmer, Padgett, Potter, Raisler, Richardson; Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Thorn, Tompkins, Walker, and Worthy—47.

NAYS—Messrs. Bankhead, Culver, Davis of Barbour, Dobson, Grant, Lindsey, Mabry, Malone, McCoy of Russell, McCoy of Tallapoosa, McLester, Odums, Oliver, Owens, Pierce, Pipkin, Robinson of Chambers, Steadham, Warren, Whitfield, Williams of Jackson, and Wilhite—22.

The Speaker decided that the bill was lost for want of a constitutional majority of two-thirds of the whole House.

Mr. Gibson appealed from the decision, on the ground that two-thirds of the whole number voting when a quorum votes, is the constitutional requirement.

The decision of the Chair was sustained.

Yeas, 45; nays, 35.

YEAS—Messrs. Ash, Bankhead, Bethea, Borden, Bourland, Bush, Clark of Mobile, Cobb, Connelly, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Freeman, Grant, Jones, Lindsey, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore of Coffee, Moore of Perry, Odum, Owens, Padgett, Pierce, Pipkin, Richardson, Robinson of Baldwin, Robinson of Chambers, Steadham, Stringer, Sturdivant, Thorn, Waller, Warren, and Wilhite—45.

NAYS—Messrs. Ashford, Brandon, Brooks, Caffey, Callaway, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Manasco, McCain, Morse, Oliver, Palmer, Potter, Raisler, Sheffield, Smith of Choctaw, Smith of Jackson, Tompkins, Walker, Williams of Randolph, and Worthy—35.

Message from the Senate by Mr. Garrett:

*Mr. Speaker :*

The Senate has originated and passed the following bill—

To amend the first section of an act entitled an act to incorporate the town of Bluffton, in the county of Chambers.

The Senate has passed the House bill—

To loan seventy thousand dollars to the University of Alabama.

The Senate has amended as therein shown, and passed the House bill—

To establish revenue laws of the State of Alabama.

M. TAUL, Secretary.

Mr. Pierce, from the Committee on Enrolled bills, reported the following as correctly enrolled :

An act to repeal all acts heretofore in force in relation to the distillation of grain in this State ;

An act for the relief of Enoch Downing, of Montgomery county ;

An act to incorporate the North Alabama Oil and Mining Company ;

An act to authorize the Commissioners' Courts of Pickens and Coffee counties, to levy a special tax for the purposes therein named ;

An act to incorporate the Cahaba Petroleum and Mining Company ;

An act to incorporate the Alabama Mining, Manufacturing, and Improvement Company ;

An act to prevent persons from interfering, so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer before the expiration of the contract.

Mr. Goodwin, from the Judiciary Committee, reported adversely to the bills,

To regulate the rate of interest in the State of Alabama ;

For the relief of wounded and disabled soldiers, and widows and orphans of deceased soldiers ;

For the relief of A. Sterrell, administrator of the estate of John Salsler, deceased ;

To amend section 2164 of the Code of Alabama.

The reports were concurred in.

Mr. Goodwin, from the same committee, reported favorably to the bill,

To amend and extend an act entitled an act to change and modify section 2706 of the Code, in relation to the lien on steamboats, approved February 15, 1855 ;

Which was read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Richardson, from the same committee, reported a substitute for the bill,

To provide for the substitution of lost records or judgments in such counties of this State as may have lost their records during the late war.

On motion of Mr. Freeman, the further consideration of the report, bill and substitute was postponed till Friday next, 12 o'clock, m.

Mr. Smith, of Choctaw, from same committee, reported favorably to the bills,

To repeal an act to amend section 1143 of the Code as to overseers of roads ;

To authorize Registers in Chancery to appoint Receivers ;

To legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county ;

To encourage immigration ;

To amend the 1st and 4d sections of an act entitled an act to incorporate the town of Clayton, Alabama, approved December, 21, 1844 ;

To incorporate Liberty church, in Cherokee county, &c.;

To amend sections 2865 and 2867 of the Code of Alabama ;

To authorize writs of garnishment against incorporate cities, towns and villages ;

To provide for the rendition of orders, decrees and settlements, and other proceedings in the Probate Court, in cases where the Probate Judge is incompetent to preside ;

To extend an act entitled an act to provide a more efficient remedy in cases of unlawful detainer, in the city of Mobile, approved 3d March, 1848, to the county of Mobile ;

To re-enact section 3536 of the Code of Alabama, which provides that no entry of indictments upon the minutes shall be made at the first term ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from same committee, reported favorably, with an amendment to the bill—

To amend section 3570 of the Code of Alabama, so as to prevent the receipt of certificates of State's witnesses in payment of fines and forfeitures.

Amend by adding this proviso :

*Provided, however,* That any one paying a fine or forfeiture may use in payment thereof any such certificate issued to him or her by the court, and not otherwise.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from same committee, reported adversely to the bill—

To regulate advancements, and for other purposes ;

The report was concurred in,

Yeas, 36 ; nays, 28.

YEAS—Messrs. Ashford, Borden, Bourland, Bush, Clark of Lawrence, Clark of Mobile, Cobb, Cox, Ellis, Gibson, Goodwin, Hardie, Henry, Mabry, Malone, Malloy, McAlexander, McBee, McCain, McLester, Meadors, Moore of Coffee, Oliver, Owens, Padgett, Pipkin, Potter, Richardson, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Tompkins, Warren, Whitfield and Wilhite—36.



NAYS—Messrs. Bankhead, Caffey, Cotten, Crenshaw, Doster, Freeman, Goldthwaite, Hand, Hare, Hawthorne, Humphrey, Jones, Ledbetter, Leeper, Lindsey, McCann, Morse, Odum, Pierce, Raisler, Robinson of Baldwin, Robinson of Chambers, Sheffield, Stringer, Thorn, Walker, Waller and Worthy—28.

Also, favorably with an amendment to the bill, to define and regulate the liability of common carriers ;

Amended, by adding the following words: "And the consignee, owner, or shipper may recover damages to the extent of double the value of the loss sustained, on his failure to do so."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill, to amend section 1215, of the Code of Alabama.

On motion of Mr. Worthy, the bill was laid on the table.

Mr. Smith of Choctaw, from the same committee, to whom was referred the resolution instructing it to enquire into the expediency of a general recodification of the laws of the State, Ordinances of the Convention, and Acts of the General Assembly, in strict accordance with the requirements and provisions of Section 27, of article IV, of the Constitution, and to report by bill or otherwise, reported a bill entitled an act, to provide for the preparation of a revised Code of the statute laws of the State of Alabama, of a general and public nature ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Smith, of Choctaw, from same committee, reported favorably to the Senate bill,

To repeal article II and III of chapter 4, title 13, part the 1st, of the Code of Alabama, and sections 3287 and 3289 ;

Which was ordered to a third reading on to-morrow.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate refuses to concur in the substitute of the House, to the Senate bill, to regulate Judicial proceedings.

M. TAUL, Secretary.

The hour of 12 o'clock having arrived, the House adjourned until half-past 3 p. m.

WEDNESDAY, 14th February, 1866, }  
Half-past 3 o'clock, p. m. }

The House met pursuant to adjournment.

On motion of Mr. Padgett, the House proceeded to the consideration of the Senate messages.

The Senate bill, to regulate Judicial proceedings.

Was taken up, and on motion of Mr. Bethea, the House insisted on its substitute, and asked that a committee of conference be appointed. YEAS 51, Nays 3.

YEAS—Messrs. Speaker, Bethea, Bourland, Brandon, Bush, Caffey, Clark of Mobile, Cobb, Connelly, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Gibson, Goldthwaite, Hand, Hawthorne, Henry, Humphrey, Jones, Lannier, Ledbetter, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCann, McCoy, of Russell, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Potter, Sheffield, Smith of Jackson, Stringer, Thom, Tompkins, Walker, Williams of Jackson, Willhite and Worthy—51.

NAYS—Messrs. Morse, Sturdivant and Williams, of Randolph—3.

Messrs. Tompkins, Echols, Sheffield, Pierce, Mabry and Hawthorne, were appointed said committee on the part of the House.

The bill to establish revenue laws of the State of Alabama, was taken up, and

On motion of Mr. Clark, of Mobile, the bill and Senate amendments thereto were referred to the Committee of Ways and Means, with instructions to report on the same to-morrow.

The House concurred in the Senate amendments to the House bills—

To authorize the commissioners' court of Madison county to establish gates on the public roads of said county ;

To amend certain sections of the charter and amended charter of the Alabama and Tennessee Rivers Rail Road Company, and to enlarge the powers of said company ;

Directing the delivery to the Western Rail Road Company of a certain bond given by the Alabama and Mississippi Rivers Rail Road Company, for a part of the two per cent. fund.

The Senate bill to provide blank books for records in certain cases,

Was read the third time and passed.

The Senate bill to provide for taking the census of the State of Alabama for the year 1866, as ordered by ordinance of the Convention of 1865,

Was read the third time.

Mr. Cooper (Mr. Bankhead in the chair,) offered the following amendment by way of engrossed rider :

Amend third section by adding "and the number of pupils at each school."

SEC. 8. *And be it further enacted*, That the census taker must ascertain and report to the Secretary of State the number of coal, copper, lead, silver or gold mines, and all petroleum wells discovered, open or worked, and the number of operators employed at each, and also the average prices paid for labor, and average yield, and also the average prices paid for the products of the same.

SEC. 9. *And be it further enacted*, That the said census taker must ascertain the number of acres of cleared land in his county, the number in cultivation in corn, wheat, rye, oats and cotton, the number of hands employed on each farm or plantation, classifying them according to color; the number and kind of plow animals used in cultivation; number of horses, mules, jacks and oxen not employed in agricultural pursuits; also the number of cows and calves, dry cattle, sheep, goats and hogs; and report the same to the Secretary of State, properly classified and enumerated.

SEC. 10. *And be it further enacted*, That the said census taker must ascertain and report to the Secretary of State, the number of grist and saw mills, and manufacturing establishments, for spinning or weaving of cloth, for making of carriages, wagons, &c., for the manufacturing of hats or shoes, and iron; and the number of operatives, white or black, and whether such machinery is operated by steam or water power; also the number of carpenters, blacksmiths, cabinet workmen, shoemakers, saddle and harness makers, tanners and tanneries, the number of operatives employed in each, classified and enumerated as to color; also the number of lawyers, doctors and ministers of the gospel, classifying them according to denomination and as to color, also the number of persons between the ages of ten and eighteen years of age, and between eighteen and forty-five years of age, who can neither read nor write, classified and enumerated as to age, color and sex.

The engrossed ryder was read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and adopted.

Mr. Lanier offered the following amendment by way of engrossed ryder:

"That the fees of the census taker be increased twenty per cent., to compensate him for the additional labor incurred by the amendments to the bill."

The engrossed ryder was read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and adopted.

The bill, as amended, passed.

The Senate bills,

For the relief of Elizabeth, *alias* Eliza Pizzala ;

To amend the charter of the city of Montgomery to extend certain bonds due by the city for building State House ;

To incorporate the Alabama Mutual Fire Insurance Company ;

To incorporate the Mississippi Valley Company ;

To incorporate the Greensboro Hotel Company ;

To incorporate the Rock and Lignite Oil Company of Alabama ;

To incorporate the Mobile Manufacturing Company ;

To authorize Catherine Hughes, as administratrix of the estate of Joseph Hughes, late of Cherokee county, deceased, to keep the estate of her said husband together, with power to sell the personal effects at public or private sale, and for other purposes ;

To regulate the costs of revenue stamps in suits at law ;

To authorize the probate court of Calhoun county to grant an order to the executors of the estate of Peter Black, deceased, to sell at private sale uncurrent bank bills ;

To authorize the commissioners' court of Pike county to issue treasury notes to pay for the building of bridges, enlarging and repairing the court house and jail, and for other county purposes ;

To regulate the office of Attorney General ;

To amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad Company, approved November 9, 1861 ;

To authorize the commissioners' court of Marshall county to issue treasury notes for the purpose of building a court house and jail ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The bill to create a new county of portions of Coosa, Montgomery, Tallapoosa and Autauga counties, was taken up, and the Senate amendments thereto concurred in.

Yeas 60 ; nays 2.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Bush, Caffey, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Culver, Davis of Bibb, Doster, Ellis, Freeman, Gibson, Goldthwaite, Grant, Hand, Hardie, Hare, Hawthorne, Humphrey, Jones, Lanier, Ledbetter, Leeper, Mabry, Malloy, McAlexander, McBee, McCain, McCann, McMillan, Meadors, Morse, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins,

Walker, Warren, Whitfield, Williams of Randolph, Wilhite and Worthy—60.

NAYS—Messrs. McCoy of Russell, and Odum—2.

The Senate bills—

For the relief of W. B. & A. R. Bell & Co.;

For the relief of Abner Killough, late sheriff of Jefferson county ;

For the relief of John Callahan ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate joint memorial to the Congress of the United States,

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Federal Relations.

The Senate bills—

To incorporate the Southern Commercial Association ;

To incorporate the American and Brazilian Steamship Company ;

To repeal the third section of an act to incorporate the Brunidge Male and Female Academy ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Jones, from the Committee on Federal Relations, by leave, reported favorably on the

Joint memorial and resolutions to the President of the United States in behalf of Josiah M. Daniel, late sheriff of Cherokee county ;

Which were read the first, second and third times, under a suspension of the constitutional rule, and adopted.

The Senate bills—

For the relief of Thomas Lawrence, guardian, &c.;

Requiring Solicitors to make annual reports to the Attorney General ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Ashford moved that the House adjourn till half-past 9 o'clock to-morrow morning.

Lost.

The Senate bill—

To fix the pay of the Adjutant and Inspector General and the Quartermaster General ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bill—

To legalize the issue of change bills by authority of the city council of Montgomery ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Bethea offered the following amendment, which was adopted :

Amend by adding this section :

SEC. 4. *Be it further enacted*, That the provisions of the first section of this act be and the same are hereby applied to Messrs. Metcalf and Hatchett, of the city of Montgomery.

The title was also amended by adding thereto the words "and other purposes."

As amended, the bill was read the 3d time, under a further suspension of the constitutional rule, and passed.

On motion of Mr. Cooper, (Mr. Bankhead in the chair.) the House adjourned till to-morrow morning half-past nine o'clock.

THURSDAY, February 15, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Journal of yesterday read and approved.

Mr. Robinson, of Baldwin, by leave, introduced a bill,

To regulate the jurisdiction of criminal offenses occurring upon the bay of Mobile and parts adjacent thereto ;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed.

Mr. Doster, by leave, introduced a bill,

To authorize the Commissioners' Court of Autauga county to issue certificates of indebtedness, or county treasury notes, for purposes therein specified ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Lanier moved to amend by adding the following : "SEC. 5. *Be it further enacted*, That the provisions, powers, rights and privileges contained in this act shall apply to the county of Pickens."

The amendment was adopted, the bill read the 3d time, under a further suspension of the constitutional rule, and passed.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to create a new county out of portions of Coosa, Montgomery, Tallapoosa and Autauga counties.

Mr. Moore, of Perry, moved to reconsider the vote by which the decision of the Speaker was sustained on the appeal by Mr. Gibson, on yesterday, relative to the formation of a new county.

Mr. McCoy, of Russell, moved to postpone the consideration of the question until Monday next.

Lost.

The question being taken on the motion to reconsider, it was lost. Yeas, 41, nays 41.

YEAS—Messrs. Speaker, Ashford, Bankhead, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Cotten, Crenshaw, Doster, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Manasco, McAlexander, McCain, Moore of Perry, Morse, Oliver, Palmer, Potter, Raisler, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Tompkins, Walker, Whitfield, and Worthy—41.

NAYS—Messrs. Ash, Borden, Bourland, Brandon, Clark of Mobile, Cobb, Connelly, Culver, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Freeman, Grant, Hand, Jones, Lindsey, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore of Coffee, Odum, Owens, Padgett, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Steadham, Thorn, Waller, Warrea, Williams of Jackson, Williams of Randolph, and Wilhite—41.

On motion of Mr. Sheffield, the vote on the passage of the bill,

To incorporate the Mississippi Valley Company,

Was reconsidered; also, the vote by which the bill was ordered to a third reading forthwith, and it was referred to the Committee on the Judiciary

Mr. Mabry moved to reconsider the vote by which the bill creating the county of Lee was lost on yesterday. The House refused to reconsider. Yeas 34, nays 44.

YEAS—Messrs. Speaker, Ashford, Bethea, Brooks, Caffey, Chapman, Cox, Crenshaw, Echols, Frazer, Gibson, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Mabry, Manasco, McCain, McCann, McLester, Morse, Palmer, Potter, Raisler, Sheffield, Smith of Choctaw, Smith of Jackson, Walker, and Worthy—34.

NAYS—Messrs. Ash, Bankhead, Borden, Bourland, Brandon,

Bush, Connelly, Culver, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Freeman, Goldthwaite, Grant, Jones, Lindsey, Malone, Malloy, McBee, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore of Coffee, Odum, Oliver, Owens, Padgett, Pierce, Pipkin, Richardson, Robinson of Baldwin, Robinson of Chambers, Steadham, Stringer, Thorn, Tompkins, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, and Wilhite—44

Mr. Goodwin, by unanimous consent, offered the following resolution, which was adopted :

“ *Resolved*, That a committee of three be appointed to wait on General Hardee and invite him to a seat on the floor of this House.”

Messrs. Goodwin, Lanier and Borden were appointed said committee, who escorted Gen. Hardee into the Hall, and he was introduced to the House by the Speaker.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has originated and passed the following bills :

To incorporate the Uniontown Savings Association ;

To incorporate the Alabama Petroleum, Vapor Stove and Gas Light Company ;

To incorporate Pleasant Grove Methodist Episcopal Church South, in the county of Coosa, and restrict the sale of ardent spirits within one-half mile of the same ;

To authorize administrators, executors, guardians, and trustees to compromise ;

To incorporate the society in the city of Mobile, called the “Fidelia.”

The Senate has passed the House bill—

To incorporate the Larkinsville Academy in Jackson county.

And has adopted the House joint resolutions authorizing Alabama to accept a grant of public lands.

The Senate has amended, as therein shown, and passed the House bills,

To furnish certain volumes of the Supreme Court Reports for Coffee, Walker and Winston counties ;

For the regulation of the chartered banks of the State of Alabama.

And has rejected the House bill,

To authorize Joanna Sullivan to peddle in the counties of Washington and Mobile without a license.

The Senate has adopted the following resolution :



“ *Resolved*, (the House of Representatives concurring,) That the two Houses of the General Assembly will adjourn *sine die* on Friday, the 23d instant, at 12 o'clock, m.

M. TAUL, Secretary.

Mr. Smith, of Choctaw, from the Judiciary Committee, reported adversely to the Senate bill

To amend the first clause of section 711 of the Code, so as to extend the civil jurisdiction of justice of the peace to one hundred dollars.

The House refused to concur in the report. Yeas 13, nays 60.

YEAS—Messrs. Borden, Caffey, Gibson, Hare, Humphrey, Jones, Leeper, Mabry, Moore of Perry, Smith of Choctaw, Tompkins, Whitfield and Worthy—13.

NAYS—Messrs. Speaker, Ash, Ashford, Bankhead, Brandon, Brooks, Bush, Chapman, Clark of Lawrence, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Frazer, Freeman, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Lanier, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Walker, Warren, Williams of Jackson, Williams of Randolph, and Wilhite. 61.

The bill was read the third time, under a suspension of the constitutional rule, and passed. Yeas, 63; nays, 7.

YEAS—Messrs. Ash, Ashford, Bourland, Brandon, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Cobb, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Freeman, Gibson, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Lanier, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Walker, Warren, Whitfield, Williams of Jackson, Williams of Randolph, and Wilhite—63.

NAYS—Messrs. Goldthwaite, Hare, Jones, Leeper, Tompkins, Waller, and Worthy—7.

Mr. Smith, of Choctaw, from the same committee, asked to be discharged from the further consideration of the

Joint resolutions to vacate the charter of the Selma and Meridian Railroad.

The report was concurred in, and the committee discharged.

Mr. Morse moved to refer the joint resolutions to a select committee of five, pending which,

The hour of 2 o'clock having arrived, the House adjourned till half past three o'clock this afternoon.

EVENING SESSION, February 15th, 1866. }  
Half-past 3 o'clock, p. m. }

The House met pursuant to adjournment.

Mr. Morse moved to suspend the rules of the House, to enable him to offer the following resolution :

*Resolved*, That the clerk of this House is hereby directed to carry forthwith to the Senate, a bill to be entitled "an act to create a new county of portions of Macon, Russell, and Chambers," as a bill passed by this House on yesterday.

The House refused to suspend.

Mr. Clark, of Mobile, moved to suspend the rules, to make a report from the Committee of Ways and Means.

Lost.

The Senate bill,

To incorporate the Alabama Petroleum Vapor Stove, and Gaslight Company, was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill,

For the regulation of the chartered banks of the State of Alabama,

Was taken up, and

The House refused to concur in the Senate amendment thereto, striking out "1868," where it occurs in the 1st section of the bill, and inserting "1867."

The House concurred in the other amendments by the Senate.

The Senate bill—

To repeal an act therein named,

Was read the first and second times, under a suspension of the constitutional rule.

The title of the bill was amended by adding thereto the words "for the relief of John Gerson," and, as amended,

The bill was read the 3d time, under a further suspension of of the constitutional rule, and passed.

The Senate bill—

For the relief of B. W. Young, late Sheriff of Montgomery county,

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

On motion of Mr. Goodwin, the vote by which the House refused to suspend the rules to permit Mr. Clark, of Mobile, to make a report from the Committee on Ways and Means, was considered, and, on a further motion by him, the rules were suspended for that purpose.

Mr. Clark, of Mobile, from the Committee on Ways and Means, reported as follows :

The Committee on Ways and Means, to whom was referred the amendments adopted by the Senate to the House bill—

To establish revenue laws for the State of Alabama;

Have had the same under consideration, and beg leave to report the following recommendations :

That the House concur in the Senate amendment striking out lines 29 and 30, section 1st ; also, in striking out the words “without distinction of color,” in 5th line of section 2 ; also, in inserting “and names” after the word number, in top line.

That the House refused to concur in the Senate amendment, striking out paragraph 12th, section 2d ; also, refuse to concur in the amendment, striking out paragraph 15th and 16th of section 2d ;

That the House concur in Senate amendment to section 4th, paragraph 1st, with the following proviso :

*Provided, further,* That any merchant or distiller shall be exempted from the tax of fifty cents per gallon assessed under this act, on all spiritous liquors sold at wholesale for export, in good faith, beyond the limits of this State, and not for consumption within this State ;

That the House concur in Senate amendment to section 4, adding paragraphs 14, 15 and 16 ; also, in striking out the word “proof” before “spirits,” in section 11th ;

That the House refused to concur in the Senate amendment to section 12 ;

That the House adopt the Senate substitute for section 77, with an amendment striking out “two” before “thousand,” in the last line, and substituting “one.”

That the House concur in Senate amendment adding sections 109 and 110 to the bill ;

All of which is respectfully submitted.

The House concurred in the Senate amendment striking out lines 29 and 30, section 1st ; also, in striking out the words, “without distinction of color,” in 5th line of section 2d ; also,

in inserting the words "and names," after the word "number," in top line of page two.

The House concurred in the Senate amendment striking out paragraph 12th, of section 2d.

Yeas, 51 ; nays, 22.

YEAS—Messrs. Speaker, Ash, Bankhead, Bourland, Brandon, Bush, Caffey, Chapman, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Ellis, Freeman, Goldthwaite, Goodwin, Hand, Hawthorne, Humphrey, Jones, Ledbetter, Leeper, Malone, McAlexander, Mc Bee, McCain, McCann, McCoy of Russell, Meadors, Moore of Coffee, Odum, Oliver, Padgett, Pipkin, Potter, Raisler, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Walker, Waller, Warren, and Wilhite—51.

NAYS—Messrs. Ashford, Borden, Brooks, Clark of Lawrence, Clark of Mobile, Echols, Grant, Hardie, Hare, Lanier, Mabry, Malloy, McCoy of Tallapoosa, McLester, McMillan, Moore of Perry, Pierce, Robinson of Baldwin, Tompkins, Whitfield, Williams of Randolph, and Worthy—22.

The House concurred in the Senate amendment, striking out paragraph 15th, section 2d.

The House refused to concur in the Senate amendment, striking out paragraph 16th, section 2d.

On motion of Mr. Cooper, (Mr. Moore, of Perry, in the chair,) the vote by which the House concurred in the Senate amendment striking out paragraph 15, of section 2d, was reconsidered.

Yeas, 39 ; nays, 36.

YEAS—Messrs. Ashford, Bethea, Borden, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Culver, Davis of Barbour, Gibson, Grant, Hand, Hardie, Hare, Hawthorne, Lindsey, Mabry, Malone, Mc Bee, McCain, McCann, McCoy of Russell, McLester, McMillan, Moore of Coffee, Moore of Perry, Odum, Oliver, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Tompkins, Waitfield, and Worthy—39.

NAYS—Messrs. Speaker, Bourland, Brandon, Chapman, Cobb, Connelly, Cotten, Cox, Crenshaw, Davis of Bibb, Dobson, Echols, Ellis, Henry, Humphrey, Lanier, Ledbetter, Leeper, Malloy, McAlexander, McCoy of Tallapoosa, Meadors, Morse, Padgett, Richardson, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Walker, Warren, Williams of Jackson, Williams of Randolph, and Wilhite—36.

On motion of Mr. Meadors, the House adjourned till tomorrow morning half-past 9 o'clock.

---

FRIDAY, February 16th, 1866.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Jordan.

The Journal of yesterday, was read and approved.

Leave of absence was granted Messrs. Crenshaw, Owen, and Freeman.

The House resumed the consideration of the Senate amendment to the House bill, to establish Revenue Laws for the State of Alabama ;

The House refused to concur in the Senate amendment, striking out paragraph 15 of section 2.

The proviso recommended by the committee of Ways and Means to the Senate amendment, to section 4, paragraph 1,

Was adopted, and as amended, the House refuses to concur.

The House concurs in the Senate amendment to section 4, adding paragraphs 14, 15 and 16 ;

Also, concurs in the Senate amendment, striking out the word "proof," before the "spirits" in section 11 ;

Also, concurs in the Senate amendment, striking out section 12, to the word "section" in sixth line, and inserting the words, "there shall be assessed no taxes upon the capacity of Distilleries, exclusively used in the distillation of fruit ;"

Also, concurs in the proviso of the Senate, at the end of section 12.

The House has amended the Senate substitute for section 77. by striking out "two," in last line, and inserting "one," and as amended, adopts the substitute.

The House concurs in the Senate amendments, adding sections 109 and 110, to the bill.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills—

To authorize the renting of the lands of Charles Mitchell, a minor, by private contract ;

For the relief of W. S. Barton ;

For the relief of J. Davidson & Co., of Montgomery ;

To incorporate the Orphan's Home Association.

The Senate has passed the House bill—

For the relief of David R. Fletcher and Sarah M. Harless, of Marshall county, and Thomas B. McKissack and R. Teal, of Russell county;

And has amended as therein shown, and passed the House bill, to extend the indebtedness of the Montgomery and Eufaula Railroad Company.

The Senate rejects the House bill—

For the relief of Levi Hinds, Tax Assessor for Madison county;

It (the Senate) agrees to the committee of conference on the bill to regulate Judicial proceedings; and Messrs. Lindsay, Barnes, Sykes, Stansel, Gage and Forney, are appointed the committee on the part of the Senate.

The Senate agrees to the first amendment of the House to the Senate bill,

To provide for taking the census of the State of Alabama for the year 1866, as ordered by ordinance of the Convention, 1865, and disagrees to the remainder.

M. TAUL, Secretary.

Leave was given Mr. Grant to change his vote on the passage of the Revenue bill. He votes "yea" and offers the following protest;

The undersigned, while voting for the general principles of the Revenue bill, would ask permission to present this, his most solemn protest, against all that portion of said act that imposes a tax or fine on the investigation of the subject of clairvoyance and spiritual intercourse, believing as he does, that the mind should be left free to investigate any or all of its relations to other minds, whether in this or other spheres of existence; and that every law passed, with a view of restraining such investigations, or taxing those engaged in that department of study, is a violation of personal rights, and as the undersigned believes, is an infringement on constitutional liberty and free government, and is opposed to the proper development of the mind or spirit into that harmonial relation to all the laws of the Divine Being, which the undersigned believes to be the ultimate destiny of all spiritual beings.

JOHN GRANT.

Mr. Freeman, by leave, spread the following protest on the Journal:

The undersigned respectfully ask to spread upon the Journal their objections to the Senate amendment concurred in by the House on yesterday, striking out the clause of the House Rev-

enue bill, which exempts from taxation "the property of all persons whose aggregate taxable property does not exceed five hundred dollars." The undersigned believe that the clause of the House bill so exempting the property of the poor from taxation, was an eminently proper and just one, especially at the present time, when the devastating effects of civil war have left them scarcely able to get food and clothing, much less to pay the onerous taxes of the General Government, and a heavy State tax besides.

That most of them from the tented field, whither they had gone at the call of their State, or from hospitals and prisons, where they had suffered for months and years, with heroic fortitude and endurance, as entitling them at least to the full-hearted sympathy of their countrymen, have recently reached their homes to find them charred and blackened ruins, with fences burned, barns, out-buildings and implements of husbandry destroyed, cattle and stock driven away or killed—a wilderness howling where once refinement and civilization smiled.

With saddened heart, the poor returned soldier has girded his loins and nerved himself to repair the past. His cabin has risen upon the ashes of his former dwelling—his fences are being replaced, ceaseless industry is already making inroads upon the ruins of war; if he can have respite for a year or two from the burdens of taxation, energy will have achieved its triumph over disaster, and he will be reinstated in his former prosperity, and be once more a liberal producer and taxpayer. The State would then be gainer by a timely indulgence of the poor, and exempting them from taxation, as the bill originally provided. If they are taxed now, they will be compelled to sell their little homes to pay the taxes. They have nothing else to pay taxes with. Exempt them a year or two, and they will recuperate and become again an element of strength to their State.

Z. F. FREEMAN,  
E. McALEXANDER,  
A. M. GIBSON.

Mr. Morse renewed his motion to refer the joint resolutions to authorize proceedings to be instituted to vacate the charter of the Alabama and Mississippi Rivers Rail Road,

To a select committee of five.

Adopted.

Messrs. Morse, Jones, Hare, Goodwin, and Leeper, were appointed said committee.

Message from the Governor, by Mr. ———.

*Mr. Speaker:*

His Excellency the Governor has approved and signed a bill, which originated in the House of Representatives, entitled

An act to create a new county out of portions of Coosa, Montgomery, Tallapoosa, and Autauga, to be called the county of Elmore.

Mr. Smith, of Choctaw, from the Judiciary Committee, to whom was referred a resolution instructing them to report a bill to allow minors the management of their own estates, under certain circumstances; and also to provide under what conditions married women may become free dealers, report that it is inexpedient to legislate as proposed, and asked to be discharged from the further consideration of the resolution.

The report was concurred in, and the committee discharged.

Mr. Smith, from the same committee, reported favorably to the Senate bills:

To revive and continue in force an act, approved December 12th, 1849, entitled an act to change the name of the Coosa Manufacturing Company, to the Bradford Manufacturing Company, and for other purposes;

To amend section 1961 of the Code of Alabama, in relation to divorce and alimony;

For the relief of Pyramus C. Winn, of the county of Perry, and to permit him to marry;

To obviate technical objections to the *venue* in the trial of capital offences;

Which were read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the Senate bills—

To give to the orders, judgments and decrees of the Courts of Probate the effect of orders and decrees of a court of general jurisdiction, when they are collaterally assailed;

Legalizing the marriage of Daniel L. Logan, and Martha Musgroves, residents of Marion county;

The report was concurred in.

Also, favorably to the Senate bill,

To repeal an act entitled an act to extend the criminal laws of this State, applicable to free persons of color, to freedmen, free negroes and mulattoes, passed at the present session of the General Assembly;

Which was made the special order for Monday next, twelve o'clock, m.

Also, adversely to the bill,

To authorize Wm. R. Pickett, administrator of the estate of



Albert J. Pickett, deceased, to sell certain lands belonging to said estate at private sale.

The report and bill were postponed and made the special order for Monday next, 12 o'clock, m.

Also, adversely to the bills,

To regulate the payment of county claims ;

To protect lumber dealers ;

To fix the liability of common carriers ;

To amend the city charter of Mobile, so as to authorize the establishment of the office of inspector of gas metres for said city ;

To confer additional jurisdiction on the Judges of the Probate of this State ;

To authorize a lottery for the education of disabled soldiers and their children ;

To authorize, executors, administrators, guardians, and trustees to receive United States treasury notes, and to fix their liability therefor ;

To aid the University of the State of Alabama and to provide a fund for the support of indigent families of deceased soldiers ;

To amend section 2164 of the Code ;

To prohibit the collection of debts which may have been created by the purchase of negroes as slaves ;

To increase the power of Probate Judges in certain cases ;

To amend section 1953 of the Code fixing liability of Judges of Probate for improperly issuing marriage license ;

For the benefit of officers of the circuit courts of this State in criminal prosecutions ;

For the relief of executors, administrators and trustees of insolvent estates ;

To revise or amend section 1057 of the Code of Alabama.

The reports were concurred in.

Also, adversely to the bill,

For the support of pauper persons of color in this State ;

Mr. Grant moved to lay the report and bill on the table.

Mr. Manasco called for a division of the question.

The vote being first taken on laying the report on the table, it was lost.

The vote was then taken on laying the bill on the table :

Which was also lost.

The report was concurred in.

Also, adversely to the bill—

To exempt certain property, therein named, from levy and sale under any legal process in this State.

The report was concurred in.

Yeas, 51; nays, 18.

YEAS—Messrs. Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Caffey, Clark of Lawrence, Cobb, Connelly, Dobson, Ellis, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hawthorne, Jones, Leeper, Lindsey, Malloy, Manasco, McAlexander, McBee, McCann, McLester, McMillan, Moore of Coffee, Moore of Perry, Oliver, Padgett, Pipkin, Potter, Raisles, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Steadham, Sturdivant, Thoru, Walker, Waller, Warren, Whitfield, Williams of Randolph, Wilhite and Worthy—51.

NAYS—Messrs. Bush, Chapman, Cotter, Cox, Creushaw, Davis of Barbour, Hare, Henry, Humphrey, Lanier, McCoy of Russell, McCoy of Tallapoosa, Meadors, Pierce, Stringer, and Williams of Jackson—18.

Mr. Smith, of Choctaw, from same committee, to whom was referred the resolution directing them—

To consider the propriety of memorializing Andrew Johnson, President of the United States, in behalf of the citizens of this State against whom proceedings have been initiated in the United States courts, for the purpose of confiscating their property;

Asked to be discharged from the further consideration of the resolution.

The report was concurred in.

Also, asking to be discharged from the further consideration of the resolutions referred to that committee instructing it to inquire into the—

Expediency and legality of relieving against debts and obligations created for slaves or other property, which have been set free, or which has been destroyed by the late war.

The report was concurred in.

Mr. Cooper, (Mr. Moore, of Perry, in the chair) by leave, introduced a bill—

For the relief of J. M. Daniel;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act to loan seventy thousand dollars to the University of Alabama;

An act to authorize the judge of the city court of Selma to appoint a solicitor for said court ;

An act to suspend the operations of sections 2 and 7 of an act therein named ;

An act for the relief of Ann C. Stribling, of the county of Washington ;

An act for the relief of Daniel L. Logan and Martha Musgroves ;

An act for the relief of Margaret A. Hopkins, of Fayette county ;

An act to constitute Mary A. King a free dealer ;

An act to authorize the city of Demopolis to levy a special tax for the purpose of building a city jail, &c. ;

An act to amend section 2313 of the Code ;

An act to regulate the time of holding the Chancery Court in the 1st district of the Northern Division ;

An act for the protection of the cattle owners of Coffee county ;

An act for the relief of the Sheriff of Montgomery county ;

An act to prohibit the sale of spirituous or vinous liquors within three miles of St. Andrew Chapel, in Washington county ;

An act to authorize the Alabama Life Insurance Trust Company and other chartered fire insurance companies of Mobile, to go into liquidation ;

An act to legalize marriages that took place within the Federal military lines, between the 11th day of April, 1862, and the 1st day of July, 1865 ;

An act to regulate the toll of grist mills in this State.

A message from the Senate, by Mr. Garrett :

*Mr. Speaker :*

The Senate insists on its amendments not agreed to by the House of Representatives, and agrees to the House amendment to the Senate substitute for section 77 of the House bill,

To establish Revenue Laws of the State of Alabama.

The Senate has amended as therein shown and passed the House bill,

To assume and provide for the payment of the tax on real estate, imposed by act of Congress of the 5th of August, 1861.

M. TAUL, Secretary.

Mr. Clark, of Mobile, by leave, offered the following resolution, which was adopted :

*Resolved*, That the House insists on its disagreement to the amendment of the Senate, and asks a committee of conference on the points of disagreement between the two Houses.

Messrs. Clark, of Mobile, Gibson, Whitfield, Warren, and Reese, were appointed said committee on the part of the House.

Mr. Tompkins asked to be excused from serving on the committee of conference on the Senate bill,

To regulate judicial proceedings, and requested that Mr. Smith, of Choctaw, be appointed in his place. Refused.

Mr. Smith, of Choctaw, from the Judiciary Committee, asked that the Committee be discharged from the further consideration of the resolution, instructing it to inquire into expediency of abolishing the present system of imprisonment for crime, and providing for labor in lieu thereof.

The report was concurred in.

Also, favorably to the bill

To facilitate and regulate the proceedings, trial and punishment, of misdemeanors in the city of Mobile ;

Which was postponed and made the special order for Monday, 12 o'clock m.

Also, adversely to the bill

To define the duties and fix the liabilities of Express Companies, and imposing penalties;

Pending the consideration of which, the hour of two o'clock having arrived, the House adjourned till half-past 3 o'clock p. m.

#### AFTERNOON SESSION, 3½ o'clock p. m.

The House met pursuant to adjournment.

The House concurred in the Senate amendments to the House bills—

To assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th of August, 1861;

To extend the indebtedness of the Montgomery and Eufaula Railroad Company ;

To furnish certain volumes of the Supreme Court Reports for Coffee, Walker and Winston counties.

The Senate bills—

To give the probate court of Wilcox county jurisdiction of the estate of David H. Packer, deceased ;

To incorporate the Medical College at Greenville, Ala.;

To incorporate Pleasant Grove Methodist Episcopal Church South, in the county of Coosa, and restrict the sale of ardent spirits within one-half mile of the same ;

To repeal an act to amend an act to authorize Seth Love and

William Willborn to erect a wharf on the Chattahoochee river, in the town of Livingston, Barbour county, approved January 1st, 1841 ;

To repeal section 917 of the Code, relative to pilotage, and all the acts amendatory thereof, and to increase the pay of pilots in the bay or harbor of Mobile ;

For the relief of Henderson Shoof ;

To amend the first section of an act entitled an act to incorporate the town of Bluffton, in the county of Chambers ;

To authorize the county of Macon to issue treasury notes for certain county purposes ;

To change the location and place of business of the Woodville Insurance Company ;

For the relief of Daniel A. Long, of Talladega county ;

To confer power on the City Council of Montgomery, for safe-keeping and punishment of offences ;

To incorporate the Tallassahatchee Lead Mining Company of Calhoun county, Alabama ;

To declare Eliza Webb, wife of Conrad Webb, of Montgomery county, a free dealer ;

To declare Centre Bogue creek, in Washington county, from its mouth on Tombigbee river to Donaldson's bridge, a public highway ;

Were read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed.

The Senate bill,

To establish a new county, to be called the county of Crenshaw ;

To restrict taxation in the town of Greenville ;

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bills,

To create and establish a new county out of portions of Calhoun, Cherokee, DeKalb, Marshall, Blount, and St. Clair, to be called the county of Stonewall ;

Were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The Senate bill,

To repeal articles II and III of chapter 4, title 13, part 1 of the Code of Alabama, and section 3287 and 3289 ;

Was read the 3d time, under a suspension of the constitutional rule, and passed.

The Senate bill,

To authorize the court of county commissioners of Lowndes county to borrow money and levy a special tax for repayment thereof;

Was read the 1st and 2d times, under a suspension of the constitutional rule.

Mr. Cox offered to amend as follows :

“*Provided, however,* said court of county commissioners shall also have power to issue treasury notes not exceeding said sum in case they shall fail to borrow the same ; and may make provisions for their redemption, by such special tax, or otherwise.”

Adopted.

The title was amended by adding the words “and for other purposes,” and as amended, the bill was read the 3d time, under a further suspension of the constitutional rule, and passed.

The Senate bill, to regulate the returns of the Superintendent of Education ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Pierce moved to suspend the business before the House, to enable him to introduce Joint Resolutions declaring Alabama a State in the Union ;

The motion prevailed, and the resolutions were read the first and second times, under a suspension of the constitutional rule.

Mr. Worthy, moved the previous question.

Lost. Yeas 25, Nays 32.

YEAS—Messrs. Speaker, Borden, Goldthwaite, Hardie, Hare, Henry, Humphrey, Malene, Malley, McBee, McCoy of Russell; McCoy of Tallapoosa, Meadors, Moore of Perry, Pierce, Reese, Richardson, Stringer, Sturdivant, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—25.

NAYS—Messrs. Bourland, Brandon, Brooks, Bush, Caffey, Connelly, Cotten, Cox, Culver, Davis of Bibb, Dobson, Doster, Frazer, Hand, Jones, Lanier, Lodbetter, Lecper, McAlexander, McCain, McCann, McLester, Moore of Coffee, Morse, Odum, Oliver, Padgett, Potter, Raisler, Smith of Jackson, Thorn, and Walker—32.

Mr. Smith, of Jackson, moved to lay the resolution on the table.

Lost. Yeas 14, Nays 37.

YEAS—Messrs. Bourland, Brooks, Hardie, Henry, McAlexander, McCoy of Russell, McLester, Moore of Coffee, Oliver, Padgett, Raisler, Smith of Jackson, Wakler, and Warren—14.

NAYS—Messrs. Speaker, Bankhead, Brandon, Bush, Clark of

Lawrence, Connelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Doster, Frazer, Goldthwaite, Hand, Hare, Humphrey, Jones, Malloy, McBee, McCain, McCann, McCoy of Tallapoosa, Meadors, Odum, Pierce, Potter, Reese, Richardson, Robinson of Chambers, Stringer, Thorn, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—37.

Mr. Potter, moved to refer the resolutions to the committee of Federal Relations.

Lost. Yeas 22, Nays 37.

YEAS—Messrs. Ash, Bourland, Brooks, Caffey, Connelly, Cox, Davis of Bibb, Dobson, Frazer, Hand, Hardie, Henry, Jones, Ledbetter, McAlexander, McLester, Morse, Oliver, Padgett, Potter, Smith of Jackson, and Walker—22.

NAYS—Messrs. Speaker, Bankhead, Brandon, Bush, Chapman, Clark of Lawrence, Cotten, Culver, Davis of Barbour, Doster, Goldthwaite, Hare, Humphrey, Lanier, Malone, Malloy, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Meadors, Odum, Pierce, Raisler, Reese, Richardson, Robinson of Chambers, Stringer, Sturdivant, Thorn, Warren, Whitfield, Williams of Randolph, Wilhite and Worthy—37.

On motion of Mr. Cooper, (Mr. Doster in the chair,) they were postponed, and made the special order for to-morrow evening, half past three o'clock.

The Senate bills,

To encourage immigration and to protect immigrant labor ;

To authorize the issuance of execution in certain cases, notwithstanding the deaths of parties to the judgments ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill,

To regulate the appointment of overseers and supervisors of public roads in the counties of Henry, Choctaw and Barbour ;

Was read the first and second times, under a suspension of the constitutional rule, and ordered to a third reading.

The Senate bill,

To punish the crime of abduction of free persons of color ;

Was read the first and second times, under a suspension of the constitutional rule, and made the special order for Tuesday next, 12 o'clock m.

The Senate bill,

To incorporate the town of Lowndesboro, in Lowndes county ;

Was read the first and second times under a suspension of the constitutional rule.

Mr. Cox offered the following amendments ;

Which was adopted.

1. Amend section 2d, by inserting the letters "C. C." before the name "Howard," in the 33d line thereof.

2. Amend by striking out the words "Market House;" at the close of section 3d, and inserting the words, "market place, to be located therein by the said corporate authorities."

3. Amend section 10, by striking out the figures "66," and inserting "67," and also by adding the following words to said section: "and provided the said corporate limits to the said town of Hayneville, shall extend one-fourth of a mile in each and every direction from the court house therein."

The following words were added to the title: "and to amend the charter of the town of Hayneville."

And as amended, the bill was read the third time, under a further suspension of the constitutional rule, and passed.

The Senate bill—

To fix the amount of printing to be done for the State, and the compensation for the same ;

Was read the first, second and third times, under a suspension of the constitutional rule, and referred to the Committee on Public Printing.

The Senate bill,

To release the right of the State to escheat the estate of Harriet Stokes, deceased, late of Madison county, in favor of Worly White ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas, 46 ; nays, 3.

YEAS—Messrs. Speaker, Ash, Bethea, Bourland, Brooks, Bush, Chapman, Connelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Frazer, Freeman, Goldthwaite, Hard, Hare, Henry, Humphrey, Jones, Ledbetter, Lindsey, Malone, McAlexander, McCain, McCann, McLester, Meadors, Moore of Coffee, Odum, Palmer, Padgett, Pierce, Potter, Raisler, Robinson of Chambers, Stringer, Thorn, Walker, Whitfield, Williams of Jackson, Williams of Randolph, and Worthy—46.

NAYS—Messrs. McCoy of Tallapoosa, Morse, and Wilhite—3.

The Senate resolution proposing that the two Houses adjourn *sine die*, on Friday, the 23d instant, at 12 o'clock m., was taken up.

Mr. Pierce moved to postpone to Monday next ;

Lost.



Mr. Pierce moved to lay on the table ;

Lost.

Mr. Worthy moved to adjourn ;

Lost

Mr. Morse moved to strike out "Friday, 23d," and insert "Tuesday, 27th" ;

Lost.

The resolution was concurred in.

Yeas, 44; nays, 9.

YEAS—Messrs. Ash, Bethea, Bourland, Brandon, Brooks, Bush, Chapman, Connelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Frazer, Freeman, Hand, Hardie, Henry, Lanier, Ledbetter, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McLester, McMillan, Morse, Odum, Palmer, Padgett, Pipkin, Potter, Robinson of Chambers, Smith of Jackson, Thorn, Walker, Warren, Whitfield, Williams of Jackson, and Williams of Randolph—44.

NAYS—Messrs. Speaker, Borden, Chapman, Gibson, Humphrey, Lindsey, Moore of Coffee, Raisler, and Stringer—9.

On motion of Mr. Moore, of Coffee, the House adjourned till to-morrow morning, half past 9 o'clock.

---

SATURDAY, February 17th, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Mr. Moore, of Coffee, moved to reconsider the vote by which the Senate bill,

To restrict taxation in the town of Greenville;

Was referred to the Committee on Corporations.

Adopted.

Mr. Moore moved to amend by inserting after the word "dollars," the words "exclusive of license tax."

Adopted.

The amendment was adopted.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Leave of absence was granted Messrs. McCain and Ellis.

Mr. Worthy, from the joint Select Committee, to whom was referred the "Revised Penal Code of Alabama," reported that they have considered the same, and reported it back to the House with the bill

To establish a Penal Code for the State of Alabama, and recommend their adoption.

The bill was read the first and second times, under a suspension of the constitutional rule.

Mr. Cooper (Mr. Doster in the chair) moved a suspension of the business before the House, to permit a resolution to be offered.

Lost.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To extend the indebtedness of the railroad companies in this State incurred under the provisions of "an act to loan and appropriate the three per cent. fund and its interest," approved February 18, 1860," or any act amendatory thereof ;

In relation to the real estate of John McCrary ;

To amend section 2875 of the Code ;

To incorporate the Coosa Petroleum and Mining Company.

The Senate has passed the following House bills—

To amend the first and third sections of an act entitled an act to incorporate the town of Clayton, Barbour county, approved December 21, 1841 ;

To extend an act entitled an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile, approved 3d March, 1848, to the county of Mobile ;

To re-enact section 2536 of the Code, which provides that no entry of indictments upon the minutes shall be made at the first term ;

To legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county ;

To exempt from levy and sale two hundred pounds of lint cotton for the use of every family ;

To authorize Wm. O. Sharpe, of the county of Chambers, to sell a certain tract of land therein named ;

To make Eliza Walton, of Wilcox county, a free dealer ;

Regulating the sale of vinous or spirituous liquors in the town of Haw Ridge, in Dale county ;

To authorize the commissioners' court of Perry county to furnish the sheriff of said county with necessary books and stationery.

The Senate has adopted the House joint memorial and resolutions to the President of the United States in behalf of Josiah M. Daniel, late sheriff of Cherokee county.

The Senate has amended as therein shown, and passed, the House bill—

To define the jurisdiction of judges of probate in certain cases.

The Senate has also amended the House amendment to the Senate bill “to legalize the issue of change bills by authority of the city council of Montgomery” ;

And, as amended, concurred in the same.

And agrees to the appointment of a committee of conference on the matters of disagreement between the two Houses upon the House bill—

To establish revenue laws for the State of Alabama.

Messrs. Garrett, Moren, and Huckabee, are the committee on the part of the Senate.

M. TAUL, Secretary.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to incorporate the Larkinsville Academy, in Jackson county ;

An act directing the delivery to the Western Railroad Company of a certain bond given by the Alabama and Mississippi Rivers Railroad Company for a part of the two per cent. fund ;

An act to authorize the commissioners court of Madison county to establish gates on the public roads of said county ;

An act to amend certain sections of the charter of the Alabama and Tennessee Rivers Railroad Company ;

Joint resolutions authorizing Alabama to accept a grant of public lands.

On motion of Mr. Bethea, the bill—

To establish a Penal Code for the State of Alabama ;

Was read the third time, under a suspension of the constitutional rule.

A message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bill :

To incorporate the Tallapoosa Water Power and Manufacturing Company.

MICAH TAUL, Secretary.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate concurs in the report of the Committee of Conference upon the matters of disagreement between the two Houses to the bill—

To regulate judicial proceedings.

MICAH TAUL, Secretary.

The hour of 2 o'clock having arrived, the House adjourned till half-past 3 o'clock, p. m.

AFTERNOON SESSION—Half-past 3, p. m.

The House met pursuant to adjournment.

On motion of Mr. Bethea, the business before the House was suspended to continue the consideration of the bill—

To establish a Penal Code for the State of Alabama.

The question being on its passage, it was passed.

Yeas, 51; nays, 18.

YEAS—Messrs. Bethea, Borden, Bourland, Brooks, Bush, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Gibson, Goldthwaite, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Leeper, Mabry, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Odum, Palmer, Pierce, Pipkin, Potter, Raisler, Reese, Robinson of Baldwin, Stringer, Sturdivant, Thorn, Walker, Waller, Whitfield and Worthly—51.

NAYS—Messrs. Speaker, Bankhead, Brandon, Cotten, Goodwin, Malone, Manasco, McCoy of Tallapoosa, Morse, Oliver, Padgett, Richardson, Sheffield, Smith of Jackson, Steadham, Warren, Williams of Jackson, and Williams of Randolph—18.

Mr. Mabry moved to suspend the business before the House to allow him to introduce a bill.

Lost.

On motion of Mr. Clark, of Mobile, the rules were suspended; to permit the committee of conference on the bill,

To establish Revenue Laws for the State of Alabama, to report as follows :

The Committee of Conference on the disagreement of the two Houses on the bill to establish the Revenue Laws for the State of Alabama, have met, and after full consultation have agreed upon the following report, and recommend concurrence therein, to-wit :

1st. That the House recede from its disagreement to the

amendment of the Senate, striking the 15th paragraph of the 2d section.

2d. For the 16th paragraph of same section, we report a substitute, as follows:

“ On all acts of incorporation granted by the General Assembly, other than incorporating cities or towns, an *ad valorem* tax of *one-tenth* of one per cent. on the estimated value of the interest involved or capital authorized, as a bonus, to be due and payable to the tax collector of the county in which the office of such corporation may be located, whenever any such corporation shall commence actual operations; and this shall apply to all such acts passed by the present General Assembly.”

3d. That the House concur in the amendment of the Senate as a proviso to paragraph 1 of section 4, as amended by the House, and that the Senate agree to said amendment.

All of which is respectfully submitted.

W. GARRETT,	}	Managers on the part of the Senate.
E. H. MOREN,		
C. C. HUCKABEE,		
F. B. CLARK,	}	Managers on the part of the House.
N. L. WHITFIELD,		
J. T. REESE,		
A. M. GIBSON,		
N. M. WARREN,		

The report of the committee was concurred in.

The joint resolutions declaring Alabama a State in the Union,  
Was taken up.

Mr. Cox moved to amend by inserting “in our opinion” after  
“now”, in 6th line of the 1st section.

Mr. Mabry moved to postpone until Monday next

Mr. Cox moved to amend the motion of Mr. Mabry by  
postponing the resolutions till Friday next, 12 oclock m.

Adopted. Yeas 40; nays 27.

YEAS—Messrs. Ash, Borden, Bourland, Brooks, Caffey, Clark of Mobile, Connelly, Cox, Crenshaw, Culver, Davis of Barbour, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malloy, McAlexander, McBee, McLester, Moore of Perry, Odum, Palmer, Padgett, Pipkin, Raisler, Reese, Smith of Jackson, Thorn, Warren, Davis of Bibb, Dobson, Gibson, Hand, Hawthorne, Henry, Jones, Whitfield, and Williams of Jackson—40.

NAYS—Messrs. Speaker, Bankhead, Brandon, Bush, Chapman, Cotton, Goldthwaite, Grant, Humphrey, Malone, Manasco, McCann, McCoy of Russell, McCoy of Tallapoosa, Moore of Coffee, Moore of Perry, Morse, Oliver, Richardson, Sheffield,

Steadham, Stringer, Sturdivant, Williams of Randolph, Wilhite, and Worthy—27.

On motion of Mr. Sheffield, the report of the Committee of Conference on the Senate bill, to regulate judicial proceedings, was taken up.

The committee reported as follows :

The Committee of Conference of the two Houses of the General Assembly, to whom was referred "a bill to be entitled an act to regulate judicial proceedings," with the disagreement of the two Houses thereon, have had the same under consideration, and ask leave to report back the Senate bill, with the following amendment, and recommend its passage :

#### AMENDMENTS.

1st. Strike out the 1st section, and insert the 1st section of the House substitute.

2d. Strike out "quarterly" where it occurs in 6th section, and insert "semi-annually."

3d. Strike out 7th section, and insert, in lieu thereof, the following section :

*"Be it further enacted,* That the provisions of this act shall not apply to proceedings in the courts of admiralty, nor to any action in detinue or forcible entry and detainer, or unlawful detainer."

4th. By adding 8th section of House bill as 8th section.

5th. Making 8th section the 9th.

R. B. LINDSAY,  
M. L. STANSEL,  
W. H. BARNES,  
F. W. SYKES,  
WM. H. FORNEY,  
G. F. SMITH,  
J. L. SHEFFIELD,  
J. R. HAWTHORNE.

The report of the committee was concurred in. Yeas 51, nays 21.

YEAS—Messrs. Speaker, Ash, Bankhead, Bourland, Brandon, Brooks, Bush, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Crenshaw, Culver, Davis of Bibb, Goldthwaite, Goodwin, Hand, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Mabry, Manasco, McCoy of Tallapoosa, McMillan, Morse, Odum, Padgett, Pierce, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant,

Thorn, Walker, Waller, Williams of Jackson, and Worthy—51.

NAYS—Messrs. Bethea, Caffey, Freeman, Gibson, Grant, Hardie, Hare, Leeper, Lindsey, Malone, Malloy, McBee, McCann, McLester, McMillan, Moore of Coffee, Moore of Perry, Oliver, Palmer, Pipkin, Whitfield, Williams of Randolph, and Wilhite—21.

The Senate bill—

To legalize the issue of change bills put in circulation as money by the mayor, aldermen and common council of the city of Mobile;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Mabry offered the following amendment, which was adopted:

SEC. 2. *Be it further enacted*, That all the provisions of this act, so far as applicable, shall apply to the change bills issued by authority of the municipal authorities of the city of Selma in the year 1865, and to the change bills issued by the Montgomery and West Point Railroad Company, in the year 1865.

The title was amended by adding the words "Selma and Montgomery and West Point Railroad."

The bill as amended was read the third time, under a further suspension of the constitutional rule; and passed.

The Senate amendments were concurred in to the House bill—

To define the jurisdiction of judges of probate in certain cases.

The House concurred in the Senate amendment to the House amendment to the Senate bill to legalize the issue of change bills by authority of the city council of Montgomery, and other purposes.

The Senate bills—

To incorporate the Mississippi and Alabama Oil and Mining Company;

To incorporate the Selma and Montgomery Navigation Company;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bills—

To incorporate the Mobile Fire Department Insurance Company of Mobile;

To incorporate the Society in the city of Mobile called the "Fidelia";

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House recedes from the amendment disagreed to by the Senate, to the Senate bill,

To provide for the taking of the census of the State of Alabama for the year 1866, as ordered by the Convention of 1865.

The Senate Bill,

To extend the jurisdiction of the courts of chancery in the settlement of insolvent estates,

Was read the first and second times under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate bill,

To define the relative duties of master and apprentice ;

Was read the first and second times under a suspension of the constitutional rule.

Mr. Worthy offered the following amendment,

Which was adopted.

*Provided*, That before any one shall be apprenticed under this law, if said minor has a father or a mother living in said county, the probate judge shall notify said parent of the time of such apprenticing, who may by proof, show his ability to support his or her child ; or that the proposed master is an improper person to act as master of said apprentice.

The bill was then read the third time, under a suspension of the constitutional rule, and passed,

Mr. Smith, of Choctaw, from the Judiciary Committee, by leave, reported favorably to the Senate bill,

To extend the jurisdiction of the courts of chancery in the settlement of insolvent estates ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Manasco, the House adjourned till Monday morning, half-past 9 o'clock.

MONDAY, February 19th 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Journal of Friday and Saturday, read and approved.

The adverse report of the Judiciary Committee to the bill,

To define the duties and fix the liabilities of Express Companies, and imposing penalties, &c.,

Was taken up, and the House refused to concur in the report. Yeas, 25 ; nays, 46.



YEAS—Messrs. Borden, Brooks, Bush, Caffey, Chapman, Clark of Mobile, Cobb, Connelly, Echols, Grant, Hand, Hardie, Jones, Mabry, Malone, McAlexander, McCann, McCoy of Russell, Moore of Perry, Odum, Raisler, Reese, Robinson of Baldwin, Smith of Choctaw, and Sturdivant—25.

NAYS—Messrs. Speaker, Ash, Bourland, Brandon, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Gibson, Goldthwaite, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Malloy, Manasco, McBee, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Morse, Oliver, Palmer, Padgett, Pierce, Potter, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Walker, Warren, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—46.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Mr. Goodwin, from the Judiciary Committee, reported back the Senate bill,

To incorporate the Mississippi Valley Company,

And asked that it be referred to the Committee on Corporations.

The report was concurred in.

Mr. Goodwin, from the same committee, reported adversely to the bill,

To require persons hiring colored laborers to furnish them with a sufficiency of good and wholesome food ;

To give Chancery Courts jurisdiction of certain cases therein named.

The reports were concurred in.

Mr. Smith, of Choctaw, from the same committee, reported adversely to the bills,

To extend the criminal laws of this State, applicable to white persons, to negroes and persons of mixed blood ;

For the protection of executors, administrators, guardians, trustees, agents and attorneys ;

To prevent white persons from gaming with negroes and mulattoes ;

For the benefit of estates of deceased persons ;

To authorize Mahala C. Butts, of Marshall county, to marry again at any time before the expiration of three years ;

To increase the jurisdiction of the judges of probate in certain cases.

The reports were concurred in.

Also, favorably, with the following amendment, to the bill to

increase the pay of commissioners of roads and revenue and jurors for the county of Sumter:

Amend by striking out the 2d section of the bill.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill, concerning the offence of gaming.

On motion of Mr. Smith of Choctaw, the report and bill were laid on the table.

Also, asking to be discharged from the further consideration of the petition of Wm. N. and Jeremiah A. Henderson, and others, of Pike county.

The report was concurred in.

Also, adversely to the Senate bill, to prevent trespasses.

The report was concurred in.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills—

To regulate the jurisdiction of criminal offences occurring upon the Bay of Mobile, and parts adjacent thereto ;

To incorporate the Decatur and Pittsburg Petroleum and Mining company.

The Senate recedes from its disagreement amendment, striking out 1868, and inserting 1867 in section 1, of the House bill.

For the regulation of the chartered Banks of this State ;

The Senate has originated and passed the following bills—

To authorize the Commissioners' Court of Marengo county, to levy a special tax to build and repair bridges in said county, or to issue county Treasury Notes for that purpose ;

To incorporate the Coosa Valley Oil and Mining company ;

To prevent the sale of spirituous liquors within five miles of Mount Zion Church, or Spring Hill, Macon Depot, Faunsdale or Pickins Old Mill in Marengo county ;

To amend the 8th section of an act to charter the Alabama Insurance company, approved 8th February, 1856 ;

The Senate concurs in the report of the committee of conference upon the matters of disagreement between the two Houses upon the House bill,

To establish Revenue Laws for the State of Alabama.

M. TAUL, Secretary.

A message from the Senate by Mr. Taul :

The Senate has amended by substitute, the House bill,  
To equalize certain salaries with the following title—

To regulate the salaries of the officers in the Executive Departments of the State, and to regulate the same, and to discontinue certain offices named.

M. TAUL, Secretary.

Mr. Smith, of Choctaw, from the Judiciary committee, reported adversely to the bill, for the relief of Executors, Administrators and Guardians ;

On motion of Mr. McCoy, of Russell, the report was laid on the table.

The bill was then read the third time, under a further suspension of the constitutional rule, and passed; and ordered forthwith to the Senate.

Mr. Goodwin, from the same committee, reported favorably to the bill, to define the powers of Justices of the Peace in Dallas county.

The bill was amended by making its provisions applicable to the counties of Pickens, Tuscaloosa, Barbour, Tallapoosa, Lowndes, Marion, Covington, Montgomery, Marengo, Chambers and Conecuh, and as amended was read the third time, under a suspension of the constitutional rule, and passed.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

His Excellency, the Governor, has approved and signed bills which originated in the House of Representatives, entitled :

An act to prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employers before the expiration of the contract, &c. ;

An act directing the delivery to the Western Rail Road Company, of a certain bond given by the Alabama and Mississippi River Rail Road Company, to the State of Alabama, for a part of the two per cent. fund ;

An act to extend the indebtedness of the Montgomery and Eufaula Rail Road Company ;

An act to increase the salaries of Chancellors and Circuit Judges.

S. DIXON, Private Secretary.

Mr. Smith, of Choctaw, from same committee, reported adversely to the bills—

Granting a stay of execution on all judgments and decrees of the several courts of this State ;

Amendatory of an act to regulate the pay of witnesses in criminal cases, approved February 6th, 1861, so as to allow the collection of costs in Justices' courts.

The reports were concurred in.

Also, adversely to the bill—

To amend the law of divorce.

On motion of Mr. Worthy, the report was laid on the table.

Mr. Manasco offered a substitute for the bill, to be entitled an act—

For the relief of Elizabeth Morris.

The substitute was adopted ;

Read the third time, under the suspension of the constitutional rule, and passed.

Mr. Freeman, by leave, introduced a bill—

To exempt from taxation the property of the poor in certain counties of this State most desolated by the recent war ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Worthy moved to refer the bill to a special committee of three members.

Adopted.

Messrs. Freeman, Worthy, and Potter, were appointed said committee.

Mr. Robinson, of Chambers, obtained leave to record his vote in the affirmative, on the adoption of the report of the Committee of Conference on the bill—

To regulate Judicial proceedings ;

And Borden, and Moore of Perry, in the negative.

The undersigned were permitted to spread the following protest on the Journals :

The undersigned fully believing that the present condition and necessities of the people of the State of Alabama, require of Legislature the passage of such an act for the regulation of judicial proceedings as will stay execution for such a length of time as will permit them, partially at least, to recover from the losses which were entailed by the war, and thereby enable them to discharge all obligations resting upon them by reason of any contract or agreement entered into ; and concurring and approving of the general features and provisions of the bill passed on Saturday, the 17th, "To regulate judicial proceedings," except that part which relates to contracts and agreements entered into since the 1st of May, 1865,

do enter this, their solemn protest, against that objectionable part.

WM. RICHARDSON, JR.,  
 J. H. BANKHEAD,  
 W. E. CONNELLY,  
 H. PIPKIN,  
 L. F. MCCOY,  
 G. H. DAVIS,  
 CHAS. W. RAISLER,  
 J. R. GOLDTHWAITE,  
 W. W. McMILLAN.

Mr. Smith, of Choctaw, from the Judiciary Committee, reported favorably to the bill,

For the relief of P. G. Nash, general administrator of Sumter county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the bills,

To prevent the sale or disposal in any manner of firearms and ammunition to freedmen, negroes or mulattoes in this State ;

To amend section 711 of the Code of Alabama, so as to give justices of the peace jurisdiction over amounts not exceeding one hundred dollars.

The report was concurred in.

Mr. Goodwin, from the same committee, reported favorably to the bill,

To incorporate the Alabama, Tennessee and Northwestern Oil and Mining Company ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the bills,

To regulate the tolls of grist mills in this State ;

To exempt certain property from levy and sale under execution, or other legal process ;

To amend section 1746 of the Code ;

To procure money for the support of indigent families ;

The reports were concurred in.

Also, asking to be discharged from the further consideration of the Comptroller's report relative to salaries of State officers accruing during the war, which report was referred to the Judiciary Committee, with instructions to report what legislation, if any, is necessary on the subject.

The report was concurred in.

Also, asking to be discharged from the further consideration of the resolution of instruction to that committee, relative to

fixing a standard for the settlement of debts and claims during the war ;

The report was concurred in.

Also, adversely to the bill, to exempt from sale under execution or decree of Court, five thousand dollars worth of property, in addition to amount now exempt, &c. ;

The report was concurred in.

Yeas 53, Nays 20.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Culver, Davis of Bibb, Dobson, Doster, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hawthorne, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Oliver, Palmer, Padgett, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Smith of Choctaw, Steadham, Stringer, Tompkins, Walker, Whitfield, Wilhite, and Worthy—53.

NAYS—Messrs. Ashford, Bush, Caffey, Chapman, Cotten, Davis of Barbour, Hare, Henry, Humphey, Jones, Lanier, Morse, Odum, Pierce, Robinson of Chambers, Sheffield, Smith of Jackson, Thorn, Williams of Jackson, and Williams of Randolph—20.

Also, adversely to the bill, to protect the owners of live stock.

On motion of Mr. Worthy, the report and bill was laid on the table.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills:

For the relief of Rebecca Carson, of Bibb county ;

To authorize the destruction of Confederate and State Treasury Notes and Charge Bills in the Treasury of the State ;

To appropriate \$114 67-100 to C. A. Spangenburg ;

To declare Rosina Beck, of Mobile, a free dealer ;

To authorize the Courts of County Commissioners of Mobile and Talladega counties, to levy taxes upon dogs ;

To authorize appeals from the Probate Court ;

To provide for the collection and settlement of balances due the State ;

To relieve the people of the State from the payment of certain taxes ;

To authorize the Commissioners of Revenue of Mobile county to make equitable settlements in certain cases.

The Senate has amended by way of substitute, and passed the House bill, to continue the collection of the Records of Alabama soldiers in the late war.

M. TAUL, Secretary.

Mr. Whitfield, from the Committee of Ways and Means, to which was referred a resolution instructing the committee to inquire into the expediency of levying a tax on all passengers by railroads and steamboats for purposes of revenue, reported adversely thereto.

The report was concurred in.

Also, adversely to the bill exempting certain counties lying on the Tennessee river, in North Alabama, from taxation for the year ;

To abolish the office of tax assessor in this State ;

To repeal all laws against the distillation of grain, &c., and to levy and collect a tax upon all spirituous liquors made or imported in this State, &c.

The reports were concurred in.

Also, favorably to the bill for the relief of the several Solicitors of the State of Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and laid on the table.

Mr. Doster, from the Committee on Education, to which was referred a resolution instructing it to inquire into the expediency of passing a bill for the relief of county superintendents of education, reported the following bill :

To relieve county superintendents and trustees of education ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also, adversely to the bill to repeal in part an act therein named.

The report was concurred in.

Mr. Gibson, from the Committee on Local Legislation, reported favorably to the bill

To provide for the location of the county site of the county of Conecuh ;

For the relief of the Fire Department of the city of Mobile ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the bills

To make Lucy Freeman, of Coosa county, a free dealer ;

For the relief of Jane L. Rice, of Choctaw county ;

For the relief of the tax assessor of Sumter county ;

To prevent the sale of ardent or intoxicating liquors within three miles of Bladon Springs, in Choctaw county.

The reports were concurred in.

Mr. Moore, of Perry, from same committee, reported favorably to the bill,

To authorize the guardians of Sallie Ann and Drury Fair Jones to lease and repair the real estate of said minors ;

Which was read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Gibson, from same committee, reported a substitute for the bill,

For the relief of the court of county commissioners of Macon county.

The substitute was adopted, read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Freeman, from select committee, to which was referred the bill,

To exempt from taxation the poor in certain counties of this State, most desolated by the recent war ;

Reported a substitute therefor, pending the consideration of which the hour of two o'clock having arrived, the House adjourned till half-past three o'clock, p. m.

#### AFTERNOON SESSION, half-past 3 o'clock, p. m.

The House met pursuant to adjournment.

Mr. Smith, of Jackson, by leave, introduced a bill,

To exempt certain property therein named from levy and sale for the use of every family in the counties of Jackson, Marshall, Morgan, Limestone, Lauderdale, Lawrence, Franklin and DeKalb ;

Which was read the 1st, 2d and 3d times, under a suspension of the constitutional rule, and passed. Yeas 50, nays 18.

YEAS—Messrs. Speaker, Ash, Ashford, Borden, Brandon, Bush, Caffey, Clark of Mobile, Cobb, Davis of Barbour, Davis of Bibb, Dobson, Echols, Frazer, Freeman, Gibson, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Leeper, Mabry, Malone, McCann, McMillan, Moore of Coffee, Morse, Palmer, Padget, Pierce, Potter, Raisal, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Tompkins, Vansandt, Walker, Warren, Whitfield, Williams of Jackson, and Worthy—50.

NAYS—Messrs. Bourland, Brooks, Clark of Lawrence, Connelly, Cotten, Ellis, Goldthwaite, Malloy, Manasco, McAlexan-



der, McBee, McCoy, of Russell, McLester, Odum, Oliver, Stringer, Thorn, and Wilhite—18.

Mr. Robinson, of Chambers, by leave, introduced a bill, to declare Elizabeth Hoodley and Mary Ann Crowder, free dealers :

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

The Senate bill, to extend the indebtedness of the Railroad companies in this State, incurred under the provisions of "An act to loan and appropriate the three per cent. fund and its interest, approved February 18th, 1860, or any act amendatory thereof ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Bethea, offered the following amendment, which was adopted :

"Sec. 3. *Be it further enacted*, That the debts severally due by said Railroad companies shall not be extended unless the Governor is satisfied that the debt and interest due, and to become due, is amply secured as required by the act of the 18th February, 1860, entitled "An act to loan and appropriate the three per cent. fund and its interest."

"Sec. 4. *Be it further enacted*, That the said Railroad companies, whose debts are extended under the provisions of this act, shall severally pay into the Treasury of the State, semi-annually from the 18th of February, 1866, the interest due by each of said Railroad companies is extended under the provisions of this act.

"Sec. 5. *Be it further enacted*, That the Governor be, and he is hereby authorized to pay over to the Mountain Railroad Contracting company, the interest paid into the Treasury of the State by said railroad companies so extended, according to the true intent and meaning of the act of the 18th February, 1860, to loan and appropriate the three per cent. fund and its interest, "And as amended by the act, approved 7th of October, 1864," entitled "An act to extend the period for the grading of the Tennessee and Alabama Central Railroad, from Decatur, to a point a few miles east of Montevallo."

Mr. Freeman, offered the following amendment, which was adopted ;

Add at the end of section 2d, "And shall be so expressed in the face of said bond."

The bill as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Price from the committee on enrolled bills, reported the following as correctly enrolled :

An act to assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th of August, 1861 ;

An act regulating the sale of vinous or spiritous liquors, in the town of Haw Ridge, in Dale county ;

An act to furnish certain volumes of the supreme court reports for Coffee, Walker, and Winston counties ;

An act to authorize William A. Sharpe of the county of Chambers, to sell a certain tract of land therein named ;

An act to authorize the commissioners' court of Perry county to furnish the sheriff of said county with necessary books and stationery ;

An act to legalize the marriage of J. N. Carter and Martha L. Chapman of Madison county ;

An act for the relief of David L. Fletcher, and S. M. Harless, of Marshall county, and Thomas B. McKissack, and R. Teal, of Russell county ;

An act to extend an act entitled "an act to provide a more efficient remedy in cases of detainer in the city of Mobile," approved 3d March, 1848, to the county of Mobile ;

An act to re-enact section 3536 of the code, which provides that no entry of indictment upon the minutes shall be made at the first term ;

An act to make Eliza Walton, of Wilcox county, a free dealer ;

Joint memorial and resolutions of the General Assembly of the State of Alabama to the President of the United States, in behalf of Josiah McDaniel, late sheriff of Cherokee county ;

An act to amend the 1st and 2d sections of an act entitled "an act to incorporate the town of Clayton, Barbour county," approved December 21st, 1841 ;

An act to exempt from levy and sale, two hundred pounds of lint cotton for the use of every family.

Leave of absence was granted to Messrs Robinson of Baldwin, Clark, of Mobile, and Ashford ;

The Senate bills,

To incorporate the Coosa Valley Oil and Mining Company ;

To authorize the renting of the lands of Charles Mitchell, a minor, by private contract ;

To declare Rosina Beck, of Mobile county, a free dealer ;

To amend the 8th section of an act entitled "an act to charter the Alabama Insurance Company," approved 5th February, 1856 ;

To authorize the court of county commissioners of Marengo county, to levy a special tax to build and repair bridges in said county, or to issue county treasury notes for that purpose ;

In relation to the real estate of John McCrary ;

To prevent the sale of fermented, vinous, spirituous or other intoxicating liquors, at or within five miles of Mt. Zion Church, at Spring Hill, Macon Depot, Faunsdale Depot and Pickens' Old Mill, in Marengo county;

For the relief of W. S. Barton ;

To change the mode of appointing trustees of the University of Alabama ;

To incorporate the Tallapoosa Water Power and Manufacturing Company ;

To relieve the people of the State from the payment of certain taxes ;

To authorize administrators, executors, guardians and trustees, to compromise ;

To enlarge the powers of the town council of Cahaba ;

To incorporate the Union Savings Association ;

To declare Elizabeth Harris, of Chambers county, a free dealer ;

To incorporate the Coosa Petroleum and Mining Company ;

To provide for the collection and settlement of balances due the State ;

To authorize appeals from the probate court ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill to incorporate the Orphans Home Association,

Was read the first, second and third times, under a suspension of the constitutional rule, and made the special order for to-morrow, 12 o'clock m.

The Senate bill to authorize the courts of county commissioners of Mobile and Talladega counties to levy taxes upon dogs,

Was read the first and second times, under a suspension of the constitutional rule.

The bill was amended as follows :

SEC. 2. *Be it further enacted*, That the provisions of this act be and they are hereby extended to the counties of Pickens, Sumter, Greene and Randolph.

The caption was also amended by adding the words "and other," before the word "counties";

And, as amended, the bill was read the third time, under a suspension of the constitutional rule, and passed.

The House concurred in the substitutes of the Senate for the House bills,

To equalize certain salaries ;

To continue the collection of the records of Alabama soldiers in the late war.

The Senate bills,

To appropriate \$114 60 to C. A. Spangenburg ;

For the relief of Rebecca Carson, of Bibb county ;

For the relief of Davidson & Co., of Montgomery ;

Were severally read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bill,

To amend section 2875 of the Code ;

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill,

To authorize the destruction of Confederate and State Treasury notes and change bills in the Treasury of the State ;

Was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The bill, to provide for the erection of a court house and jail for the county of Marshall ;

Was laid on the table.

Mr. Mabry, from the select committee, to which was referred a resolution of instruction to ascertain if any further legislation is necessary, to arrest the spread of small-pox, and the bill,

Defining the duties of municipal officers in cases of small-pox, reported a substitute for the bill, entitled a bill,

To arrest the spread of small-pox.

The substitute was adopted, read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Jones, from the Committee on Federal Relations, reported favorably to the Senate—

Joint memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Congress of the United States ;

Which was read the 3d time, under a suspension of the constitutional rule, and adopted.

Mr. Sheffield, by leave, introduced a bill,

To authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer in favor of the several probate judges for administering, transcribing and filing amnesty oaths ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McCoy, of Russell, from the Committee on the Penitentiary and State Capitol, reported favorably to the Senate bill,

To authorize the Governor to have the Capitol building covered and refitted ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. McCoy, of Russell, by leave, introduced a bill,

Supplemental to the Stay Law ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Smith, of Jackson, from the Committee on County Boundaries, reported favorably to the Senate bill,

To establish a new county to be called the county of Crenshaw ;

Pending the consideration of which,

On motion of Mr. Bethea, the House adjourned till half-past 9 o'clock to-morrow.

---

TUESDAY, February 20th, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

Journal of yesterday read and approved.

The substitute of the select committee, for the bill,

To exempt from taxation the property of the poor in certain counties of this State, most desolated by the recent war,

Which was under consideration when the House adjourned on yesterday morning, was adopted. The bill read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed a bill :

To incorporate the Tallapoosa Insurance Company.

The Senate has passed the House bills :

For the relief of Susan Wilson ;

To incorporate the town of Tuskegee ;

To authorize the Governor to sell the Alabama State Arsenal Building, in the city of Tuscaloosa ;

The Senate has amended by substitute, and adopted the House joint resolution,

Praying for the release of Jefferson Davis and others.

The Senate **concurs** in the amendment of the House to the Senate bill,

To legalize the issue of change bills put in circulation as money by the Mayor, Aldermen and Common Council of the cities of Mobile and Selma, and the Montgomery and West Point Railroad Company.

M. TAUL, Secretary.

The Senate bill, to establish a new county, to be called Crenshaw, under discussion when the House adjourned yesterday afternoon, was taken up;

Mr. Moore, of Coffee, moved to amend by striking out that portion of territory, to be taken from the county of Coffee.

Lost. Yeas 18, Nays 40.

YEAS—Messrs. Ash, Bethea, Caffey, Culver, Dobson, Grant, Manasco, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore of Coffee, Moore of Perry, Odum, Oliver, Raisler, Robinson of Chambers, Steadham, and Williams of Jackson—18.

NAYS—Messrs. Ashford, Bankhead, Borden, Brandon, Brooks, Bush, Chapman, Cox, Doster, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Lannier, Ledbetter, Leeper, Mabry, Malloy, McAlexander, McCain, McCann, Morse, Palmer, Potter, Reese, Richardson, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Stringer, Walker, Whitfield, Williams of Randolph, and Worthy—40.

Mr. Bethea, moved to strike out all relating to Montgomery county. Lost.

Mr. Cox, moved to suspend the constitutional rule to give the bill a third reading, forthwith. Lost.

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Reese, the vote by which the House concurred in the amendments of the Senate to the House bill, to equalize certain salaries, was reconsidered.

On motion of Mr. Reese, the Senate amendment was amended, by striking out of the second section, the words, "Recording Secretary of Governor, and."

On motion of Mr. Cooper, (Mr. McCoy of Russell in the chair,) the bill was amended, by fixing the salary of the Recording Secretary of the Governor at one thousand dollars.

The Senate amendment, as amended, was concurred in.

Mr. Bankhead, by leave, offered the following resolution, which lies over one day under the rule:

*Resolved*, That no new bill will be entertained by this House after to-morrow morning half-past 10 a. m., unless by a two-thirds vote.

Mr. Leeper, from the committee on Internal Improvements, reported a substitute for the bill, to extend the indebtedness of the North-east and South-west Alabama Railroad company, and Wills' Valley Railroad company, under the provisions of "An act to loan and appropriate the three per cent. fund and its interest," approved 18th February, 1860 ;

The report, bill and substitute were laid on the table.

Also, favorably with an amendment, to the Senate bill

To amend the charter of the Memphis and Charleston Railroad Company.

Amend by striking out the second and third lines, and the word "amended," in the fourth line, and insert in lieu thereof the words "of the State of Alabama in General Assembly convened, That the Memphis and Charleston Railroad Company be and they are hereby authorized and empowered";

Also, amend the caption by striking it out and substituting "a bill to be entitled an act to authorize and empower the Memphis and Charleston Railroad Company to raise money to repair said railroad."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Chapman, from the Committee on Public Printing, reported favorably to the Senate bill requiring the Secretary of State to have printed certain acts therein named ;

Which was read the third time, under a suspension of the constitutional rule, and passed:

Also, favorably to the Senate bill to repeal an act to direct the binding of certain copies of the acts of the General Assembly, approved February 15, 1854 ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Frazer, from the same committee, reported an amendment to the Senate bill

To fix the amount of printing to be done for the State, and the compensation for the same.

Amend by adding this proviso at the end of section 2 :

"Provided, That the provisions of this section shall continue in force until the day of the adjournment of the next regular session of the General Assembly, and no longer."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cobb, from the same committee, asked to be discharged from the further consideration of a resolution referred to it relative to the "causes which have prevented the delivery of the

journals of the late Convention to the delegates thereof.

The report was concurred in.

Mr. Mabry, from the Committee on Banks and Banking, reported favorably with an amendment to the bill

To amend an act to extend the charter of the Central Bank of Alabama;

Amend by adding this proviso at the end of the 8th section:

*Provided*, That nothing herein contained shall be construed so as to release any stockholder in said bank from the liabilities imposed by article second of section 10, of the act to which this is an amendment, which article is in the following words, to wit: "That the State and individual stockholders, or any co-partnership, or body politic, having shares in such bank shall be bound respectively, for all the debts of the bank, in proportion to their stock holden therein, and this proviso shall in no wise affect or impair the provisions of this act;" but the liabilities of said stockholders and other parties named in said article, shall be taken and held to continue and apply to the capital stock of said bank as now existing until the present outstanding liabilities of said bank shall be paid off and discharged by said corporations, after which the liabilities created by said articles shall apply to the amount of said capital stock after the same shall be reduced.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Mabry, from the same committee, reported a substitute for the bill,

Fixing the time of resumption of specie payments by the bank of Selma;

The substitute was adopted, and the bill read the third time, under a suspension of the constitutional rule and passed.

Also, favorably, with an amendment to the bill,

To incorporate the Commercial Savings Company of Mobile.

Amend section sixth by striking out the word "bank," and inserting "savings association," and striking out "banking operations," and inserting in lieu thereof, "such associations."

Amend section seventh, by striking out all after the word "organized," in fourth line.

The amendments were adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the bill,

To incorporate the Deposit Savings Bank of Mobile.

On motion of Mr. Tompkins the report was laid on the table.

Mr. Tompkins offered the following amendment, which was adopted.



*Provided*, That the provisions of this charter shall be subject to, and restricted by the laws governing savings banks, and that nothing contained in the same shall be so construed as to confer upon the incorporators other privileges than those usually granted to savings banks of this State.

The amendment was adopted, the bill read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Mabry, from the same committee, reported adversely to the bill.

To charter the National Savings Bank of Mobile.

On motion of Mr. Tompkins, the report was laid on the table.

Mr. Tompkins offered the following amendment, which was adopted:

SEC. 11. *Be it further enacted*, That the provisions of this charter shall be subject to and restricted by the laws governing savings banks, and that nothing contained in the same shall be so construed as to confer upon the incorporators other privileges than those usually granted to savings banks of this State.

The amendment was adopted, the bill read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Mabry, from same committee, reported favorably to the Senate bills,

To amend the 10th section of an act entitled an act to incorporate the Northern Bank of Alabama, approved 10th February, 1862, referring to Directors;

To authorize the Comptroller to settle with the Bank of Selma;

Which were severally read the 3d time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill,

To incorporate the Eufaw Savings Bank.

Which was read the 3d time, under a suspension of the constitutional rule, and passed. Yeas 70, Nays 5.

YEAS—Messrs. Speaker, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Calver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hard, Hardie, Hare, Hawthorne, Henry, Humphrey, Jones, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malley, McAlexander, McBe, McCam, McCann, McCoy of Russell, McLester, McMillan, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Stringer, Thorn, Tompkins, Walker, Wal-

ler, Whitfield, Williams of Randolph, and Worthy—72,  
 NAYS—Messrs. Ash, Manasco, Oliver, Steadham, and Willhite  
 —5.

Mr. Bankhead, by leave, introduced a bill,

To authorize the court of county commissioners of Marion county to issue treasury notes for certain purposes ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Frazer, by leave, introduced a bill,

To authorize C. Reaford & Co. to issue change bills ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule.

The bill was amended so as to make it applicable John C. Robinson, of Fayette C. H., and referred to the Judiciary Committee.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate disagrees to the House amendment to the Senate substitute for the House bill,

To equalize certain salaries.

The Senate has originated and passed a bill,

To incorporate the Talladega Petroleum and Mining Company.

M. TAUL, Secretary.

The bill to equalize certain salaries,

Was taken up, and the House insisted on its amendment, and asked for a committee of conference on the subject of disagreement between the two Houses.

Messrs. Reese, Grant and — were appointed said committee on the part of the House.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

His Excellency the Governor has approved and signed a bill, which originated in the House of Representatives, entitled

An act to provide for the publication of legal notices for the county of Washington ;

An act to regulate the fees of all county and district officers in the counties of Walker and Winston ;

An act to legalize the election of commissioners of roads for the county of Mobile, held first Monday in November, 1865 ;

An act for the relief of County Superintendants of Education;  
 An act to authorize the commissioners court of Morgan county to divide said county into four commissioners' districts;

An act to declare Margaret Carr, of Pike county, a free dealer;

An act to make Elizabeth Ellis, of Macon county, a free dealer;

An act to prohibit the court of county commissioners of Madison county to levy a greater tax than fifty per cent. on the State tax, for county purposes, for the year 1866;

An act to incorporate the Ivy Creek Academy, in the county of Autauga;

An act to revive the charter of the North Alabama College;

An act to constitute Mary A. King, a free dealer;

An act to repeal an act entitled "an act to prevent the sale of spirituous liquors within three miles of the town of Triana, in Madison county";

An act to incorporate the Cahaba Petroleum and Mining Company;

An act to exempt from levy and sale two hundred pounds of lint cotton for the use of every family.

And also—

Joint resolutions inviting immigration to Alabama;

Preamble and joint resolutions authorizing Alabama to accept a grant of public land.

Mr. Ellis, from the Committee on Propositions and Grievances, reported adversely to the petition from sandry citizens of the Jewish faith of the city of Mobile, for a modification of section 3303 of the Code.

The report was concurred in.

Mr. Reese, from the Committee on Destitution and Supply, reported that the committee has considered the reports of the Probate Judges of Choctaw, Clarke, and Coneuch counties, and recommend that they be received and appended to the tabular report of the indigent families of this State.

Message from the Governor by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed the following bills—

To incorporate the Central Insurance Company;

To authorize B. W. Groce, of Green county, to sell certain trust lands in the county of Talladega;

To appropriate money to pay for house rent for the Governor of the State of Alabama;

To authorize Judges of Probate to take and approve the bonds of Registers in Chancery ;

To amend section 196 of the Code ;

For the relief of Andrew J. Weed, of Tuscaloosa county ;

To incorporate the Wills Valley Leather Company ;

To incorporate the Tallapoosa Savings Association.

M. TAUL, Secretary.

Mr. Tompkins, from the Committee on Corporations reported favorably to the bills—

To incorporate the Mobile and Alabama Grand Trunk Railroad Company ;

To incorporate the Mobile and Western Railroad Company ;

To incorporate the Mobile Medical Society ;

Which were severally read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Goodwin, from the Judiciary Committee, reported favorably to the Senate bill—

To encourage immigration, and to protect immigrant labor ;

Which was read the 3d time, under a suspension of the constitutional rule, and passed.

Mr. Cooper, (Mr. Morse in the chair,) offered the following resolution ;

Which was adopted :

*Resolved*, That the clerk of this House be, and he is hereby authorized to employ such clerical force as may be necessary to engross the bills of this House, now and hereafter awaiting engrossment.

Mr. Thorn, by leave, introduced a bill—

To authorize and direct the courts of county commissioners to determine the value of Confederate money in their respective counties during the late war ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Whitfield, by leave, from the Committee on Ways and Means, reported a bill—

To make appropriations for the fiscal year ending on the 30th day of September, 1866 ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Borden moved to postpone till 12 o'clock to-morrow.

Lost.

Yeas, 22 ; nays, 52.

YEAS—Messrs. Speaker, Borden, Bonland, Brandon, Chap-

man, Doster, Ellis, Frazer, Gibson, Goodwin, Grant, Hand, Hawthorne, Lanier, Mabry, McLester, Moore of Perry, Morse, Potter, Raisler, Sheffield and Waller—22.

YAYS—Messrs. Ash, Ashford, Bethea, Brooks, Clark of Lawrence, Clark of Mobile, Cobb, Counelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Freeman, Hardie, Hare, Henry, Humphrey, Jones, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Odum, Oliver, Palmer, Padgett, Pipkin, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Jackson, Steadham, Stringer, Thorn. Walker, Warren, Whitefield, Williams of Randolph, Willhite and Worthy—52.

Message from the Governor, by Mr. Dixon :

*Mr. Speaker :*

His Excellency, the Governor, has approved and signed bills which originated in the House of Representatives, of the following titles :

An act to authorize the commissioners of revenue of Mobile county to issue bonds for certain purposes ;

An act to prohibit the sale of spirituous or vinous liquors within three miles of St. Andrew's Chapel, in Washington county ;

An act to authorize the Alabama Life Insurance Trust Company and other chartered fire insurance companies of Mobile, to go into liquidation ;

An act to amend section 2313 of the Code ;

An act to regulate the time of holding the Chancery Court in the 1st district of the Southern Division of the State, and for other purposes therein named ;

An act to incorporate the Larkinsville Academy, in Jackson county.

The hour of two o'clock having arrived,

The House adjourned till half-past 3 p. m.

AFTERNOON SESSION, 3 1-2 o'clock.

House met pursuant to adjournment.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has passed the following House bills—

To authorize the guardians of Sallie Ann and Drury Fair Jones, to lease and repair the real estate of said minors ;

To incorporate the Alabama, Tennessee and North-western Oil and Mining Company ;

To declare Elizabeth Hoodley and Mary Ann Crowder, free dealers.

And has amended, as therein shown, and passed the House bills,

To authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer in favor of the several Probate Judges for administering transcribing and filing amnesty oaths.

The Senate recedes from the disagreement to the House amendment to the Senate substitute to the House bill,

To equalize certain salaries.

The Senate has originated and passed the following bills :

To incorporate the Gulf City Mutual Insurance Company of Mobile ;

To increase the fees of justices of the peace and constables.

M. TAUL, Secretary.

*Mr. Speaker :*

The Senate has passed the following House bills :

To repeal an act entitled an act to amend section 1143 of the Code, as to overseers of roads ;

To amend and extend an act entitled an act to change and modify section 2706 of the Code, in relation to the lien on steamboats, approved February 15, 1855 ;

To authorize writs of garnishment against incorporated cities, towns and villages ;

To amend the third section of an act to incorporate the Union Express Company ;

To authorize Registers in Chancery to appoint Receivers.

M. TAUL, Secretary.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

An act to continue the collection of the records of Alabama soldiers in the late war ;

An act to incorporate the Decatur and Pittsburg Petroleum and Mining Company ;

An act to define the jurisdiction of judges of probate in certain cases ;

An act for the regulation of the chartered banks of Alabama ;

An act to regulate the jurisdiction of criminal offences occurring upon the Bay of Mobile;

An act to incorporate Liberty Church in Cherokee county;

An act to authorize the commissioners of revenue of Mobile county to make equitable settlements in certain cases;

An act to authorize the Governor to sell the Alabama State Arsenal, in the city of Tuscaloosa;

An act for the relief of Susan Wilson.

The bill—

To make appropriations for the fiscal year ending on the 30th day of September, 1866,

Was taken up.

Mr. Morse moved to strike out "one thousand," in the clause to pay the codifiers of the Penal Code, and insert "five hundred."

Adopted.

Yeas, 35; nays, 29.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Connelly, Cotten, Davis of Barbour, Davis of Bibb, Dobson, Gibson, Hand, Hardie, Hare, Henry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, Morse, Odum, Oliver, Palmer, Padgett, Potter, Sheffield, Thorn, Walker, Warren, Williams of Jackson, and Willhite—35.

NAYS—Messrs. Bethea, Bush, Caffey, Chapman, Clark of Lawrence, Doster, Echols, Ellis, Frazer, Goldthwaite, Grant, Hawthorne, Humphrey, Lanier, Leeper, Mabry, McCoy of Russell, McLester, McMillan, Moore of Coffee, Moore of Perry, Pierce, Pipkin, Raisler, Reese, Stringer, Sturdivant, Whitfield and Worthy—29.

On motion of Mr. Warren, the vote by which the House struck out "one thousand," and inserted "five hundred," was reconsidered.

The question recurring on Mr. Morse's motion to strike out, it was lost.

Yeas, 22; nays, 40.

YEAS—Messrs. Ash, Brandon, Connelly, Dobson, Henry, Lindsey, Malone, Malloy, Manasco, McBee, McCann, Morse, Odum, Oliver, Padgett, Potter, Smith of Jackson, Thorn, Warren, Williams of Jackson, Williams of Randolph, and Willhite—22.

NAYS—Messrs. Bankhead, Bethea, Borden, Bush, Caffey, Chapman, Clark of Lawrence, Davis of Barbour, Davis of Bibb, Doster, Echols, Edwards, Ellis, Frazer, Gibson, Goldthwaite, Grant, Hand, Hare, Hawthorne, Humphrey, Lanier, Leeper, Mabry, McCain, McCoy of Russell, McLester, McMillan, Mc-

Moore of Coffee, Moore of Perry, Pierce, Pipkin, Raisler, Reese, Robinson of Baldwin, Robinson of Chambers, Stringer, Sturdivant, Whitfield, and Worthy—40.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from the Committee on Corporations, reported favorably on the Senate bill

To incorporate the Southern Commercial Association ;

Was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 42 ; nays 22.

YEAS—Messrs. Bankhead, Bethea, Borden, Bourland, Caffey, Chapman, Clark of Lawrence, Culver, Echols, Edwards, Ellis, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Leeper, Mabry, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Meadors, Moore of Perry, Pierce, Pipkin, Raisler, Reese, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Sturdivant, Tompkins, Williams of Jackson, Williams of Randolph, and Worthy—42.

NAYS—Messrs. Brandon, Bush, Doster, Hand, Lindsey, Malone, Malloy, Manasco, McBee, McLester, Moore of Coffee, Odum, Oliver, Palmer, Padgett, Potter, Stringer, Thorn, Walker, Warren, Whitfield and Willite—22.

Mr. Tompkins, from the Committee on Corporations, reported favorably to the Senate bill supplementary to an act entitled an act to incorporate the Southern Travelers' Insurance Company, approved December 15, 1865 ;

Was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Echols, the House adjourned till to-morrow morning, half-past nine o'clock.

---

WEDNESDAY, February 21, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan :

Journal of yesterday read and approved.

Mr. Borden, moved that the House request the Senate to return to the House, the Senate bill, to incorporate the Southern Commercial Association.

The motion was adopted. Yeas 44, Nays 27.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Chapman, Cobb, Cannelly, Cotten, Culver, Davis of Barbour, Gibson,



Doster, Goodwin, Grant, Hardie, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McCain, McCoy of Tallapoosa, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Potter, Richardson, Smith of Jackson, Thorn, Walker, Waller, Warren, Whitfield, and Wilhite—44.

YAYS—Messrs. Bankhead, Bethea, Caffey, Clark of Lawrence, Echols, Edwards, Ellis, Frazer, Gibson, Goldthwaite, Hand, Humphrey, Lanier, Leeper, Mabry, McCann, McCoy of Russell, Moore of Perry, Pierce, Pipkin, Raiser, Reese, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Sturdivant, and Worthy—27.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate herewith returns to the House, the Senate bill, to incorporate the Southern Commercial Association, as requested.

M. TAYL, Secretary.

Mr. Reese, by leave, reported from the committee on Destitution and Supply, a bill, to issue bonds to aid the indigent people of the State ;

Which was read the first and second times forthwith.

Mr. Bethea, moved to amend by striking out the word "Provisions" where it occurs in the bill, and insert "Bread Stuffs." Adopted.

Mr. Moore, of Coffee, offered the following amendment,

Which was adopted :

"Sec. 11. *Be it further enacted,* That all persons applying for the benefit of this act shall be required to produce a certificate from a Justice of the Peace, or Probate Judge, that such person is to the best of his or her ability, using every proper exertion to support himself, herself or family";

The bill was read the third time forthwith, and passed.

YEAS 77.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Chapman, Clark of Lawrence, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Mc

Lester, McMillan, Moore of Coffee, Moore of Perry, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Walker, Warren, Whitfield, Williams of Jackson, Wilhite, and Worthy—77.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has rejected the following House bills—

To allow Judges of Probate to license crippled and disabled soldiers to peddle without license ;

To encourage immigration ;

To amend sections 2865 and 2867 of the Code ;

To define and regulate the liability of Common Carriers ;

To provide for the preparation of a revised Code of the Statute laws of the State of Alabama, of a general and public nature.

The Senate has originated and passed the following bills—

To declare Exa M. Brown, wife of Henry H. Brown, of the county of Chambers, a free dealer ;

In relation to reporting and publishing the proceedings of the General Assembly, and the caption of acts.

And has amended, as therein shown, and passed the House bill—

To exempt certain property therein named from levy and sale, for the use of every family in the counties of Jackson, Marshall, Limestone, Franklin, and DeKalb.

M. TAUL, Secretary.

Mr. Borden moved to reconsider the vote by which the bill—

To incorporate the Southern Commercial Association

Was passed on yesterday.

Adopted.

Yeas, 38 ; nays, 31 ;

YEAS—Messrs. Borden, Bourland, Brandon, Bush, Connelly, Culver, Davis of Barbour, Dobson, Doster, Grant, Hardie, Hare, Hawthorne, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McLester, McMillan, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Potter, Smith of Jackson, Steadham, Stringer, Thorn, Walker, Waller, Whitfield, and Wilhite—38.

NAYS—Messrs. Speaker, Ash, Bankhead, Bethea, Caffey, Clark of Lawrence, Davis of Bibb, Echols, Ellis, Frazer, Gib-

son, Goldthwaite, Hand, Humphrey, Lanier, Ledbetter, Leeper, Mabry, McCann, McCoy of Russell, Moore of Perry, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Sturdivant, Warren, and Worthy—31.

Message from the Senate by Mr. Garrett :

*Mr. Speaker.*

The Senate has amended as therein shown, and passed the House bill to establish a penal code.

M. TAUL, Secretary.

Message from the Governor by Mr. Dixon :

*Mr. Speaker.*

His Excellency the Governor has approved and signed bills which originated in the House, of the following titles, to-wit :

An act to suspend the operations of sections 2 and 7 of an act therein named ;

An act for the protection of cattle owners of Coffee county ;

An act to amend an act entitled "an act to regulate the toll of gristmills in this State."

An act for the relief of Mrs. Elizabeth Allen of Montgomery county ;

An act for the relief of Ann C. Stribling, of the county of Washington, and to legalize her marriage with Powell B. Johnston ;

An act for the relief of Margaret A. Hopkins, of Fayette county ;

Joint memorial and resolutions of the General Assembly of the State of Alabama to the President of the United States, in behalf of Josiah M. Daniel, late sheriff of Cherokee county ;

An act for the relief of David R. Fletcher and Sarah M. Harless, of Marshall county, and Thomas B. McKissack and R. Teal, of Russell county ;

An act to restrict taxation in the town of Greenville ;

An act to amend certain sections of the charter and amended charter of the Alabama and Tennessee River Railroad Company, and to enlarge the powers of said Company ;

An act to authorizing the commissioners' court of Perry county to furnish the sheriff of said county with necessary books and stationery ;

An act to regulate the fees of justices of the peace and con-

stables of Demopolis beat, in Marengo county, and for other purposes;

An act to loan seventy thousand dollars to the University of Alabama;

An act to authorize the commissioners' court of Pickens and Coffee counties to levy a special tax for the purposes therein named;

An act for the relief of Enoch Downing, of Montgomery county.

An act to authorize the city council of Demopolis to levy a special tax, for the purpose of building a city jail, &c.;

An act to make Eliza Walton, of Wilcox county, a free dealer;

An act to legalize the marriage of J. W. Carter, and Martha L. Chapman, of Madison county.

An act to authorize the commissioners' court of Madison county to establish gates on the public roads of said county;

An act for the relief of the sheriff of Montgomery county;

An act authorizing the transfer of the estate of Anderson Kaeiser, deceased, from Walker county to Lawrence county;

An act for the relief of Daniel L. Logan and Martha Musgrove;

An act regulating the sale of vinous or spirituous liquors in the town of Haw Ridge, in Dale county;

An act to furnish certain volumes of the Supreme Court Reports for Coffee, Walker, and Winston counties;

An act to amend the first and 3d sections of an act entitled an act to incorporate the town of Clayton, Barbour county, approved December 21st, 1841;

An act to extend an act entitled "an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile," approved 3d March, 1848, to the county of Mobile;

An act to incorporate the Alabama Mining, Manufacturing and Improvement Company;

An act to authorize Wm. O. Sharpe, of the county of Chambers, to sell a certain tract of land therein named;

An act to repeal all laws heretofore enacted in relation to the distillation of grain in this State;

An act to assume and provide for the payment of the tax on real estate imposed by act of Congress of the 5th of August, 1861.

An act to re-enact section 3536 of the Code, which provides that no entry of indictments upon the minutes shall be made at the first term;

An act to legalize marriages that took place within the Fed-

eral military lines, during the occupation of the State by the enemy, between the 11th day of April, 1862, and the 1st day of July, 1865;

The hour of 12 having arrived, the house proceeded to the consideration of the

ORDERS OF THE DAY.

The Senate bill,

To establish a new county, to be called the county of Crenshaw;

Was taken up.

Mr. Bethea moved to postpone the further consideration of the bill until to-morrow 12 o'clock, m.

The bill was read the third time.

Mr. Moore, of Coffee, offered the following amendment, as an engrossed rider:

SEC. 7. *Be it further enacted*, That the Sheriffs of the counties of Coffee and Montgomery, shall hold an election at the places to be designated by them respectively in the portions of Coffee and Montgomery counties embraced in this act, upon first giving thirty days notice of the time and place of holding such elections, by posting such notices at three of the most public places in said respective portions of said counties of Montgomery and Coffee. At said election those who are qualified to vote for members of the General Assembly shall be deemed qualified voters, and none others. The said voters shall vote on the question "yea" or "nay" as they may desire or oppose such separation of their territory. The said Sheriffs shall respectively forward the list of voters and the result of said election to the Secretary of State within ten days after said election, and if it shall appear that a majority of the votes cast, in each of said portions of territory proposed by this act to be taken from the said counties of Montgomery and Coffee, were cast in favor of such separation, the Secretary of State shall certify the same to the Governor, and this act shall then take effect and be in force; but if a majority of the votes cast, either in the portion of territory proposed to be taken from the county of Montgomery or Coffee, be against the separation, this act shall be of no effect. The rights, liabilities and duties of voters, and the said Sheriffs in regard to said election shall in all things be governed by the laws relating to general elections.

The amendment was adopted.

The question being on the passage of the bill, and the vote being taken by yeas and nays, it stood—Yeas 54; nays 10.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Borden, Bourland, Bush, Caffey, Chapman, Cobb, Connelly, Cotten, Ellis, Frazer, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Lindsey, Malloy, McAlexander, McCain, McLester, McMillan, Morse, Oliver, Palmer, Padgett, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Walker, Waller, Warren, Whitfield, Wilhite and Worthy—54.

NAYS—Messrs. Bethea, Culver, Davis of Barbour, Mabry, Manasco, McCoy of Russell, McCoy of Tallapoosa, Odum, Robinson of Chambers, and Williams of Jackson—10.

The Speaker decided the bill was lost for want of the constitutional majority voting in the affirmative.

Mr. Grant appealed, but the decision of the chair was sustained.

Yeas 37 ; nays 30.

YEAS—Messrs. Ash, Bethea, Borden, Bourland, Bush, Caffey, Cobb, Connely, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Grant, Lindsey, Mabry, Malone, Malloy, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Moore of Coffee, Odum, Padgett, Pierce, Pipkin, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Steadham, Thorn, Waller, Warren, Williams of Jackson, and Wilhite—37.

NAYS—Messrs. Brandon, Chapman, Cotten, Echols, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Manasco, McCain, Morse, Oliver, Palmer, Potter, Raisler, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Walker, Whitfield, and Worthy—30.

On motion of Mr. Clark, of Lawrence, the Senate bill

To authorize judges of probate to take and approve the bonds of registers in chancery in this State,

Was taken up, and read the first, second and third times, forthwith, and passed.

On motion of Mr. Smith, of Jackson, the House bill

To exempt certain property therein named from levy and sale for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin and DeKalb,

Was taken up, and the amendments of the Senate were concurred in.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has adopted unanimously joint resolutions of the General Assembly of the State on the state of the Union.

The Senate has originated and passed the following bills :

To aid the building of the South and North Alabama Rail Road ;

To incorporate the Pioneer Oil and Mining Company of Alabama ;

To change the terms of the city court of Selma ;

To amend the statute of limitations, and for other purposes ;

To allow appeals by consent from interlocutory decrees on motions to dismiss bills for want of equity, and from interlocutory judgments on matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases.

M. TAUL, Secretary.

The consideration of the special orders was resumed.

The House bill to authorize the Governor of the State to make settlement with the representatives of the estate of E. McGehee, for hired negroes at State Salt Works, from the 1st January, 1865, to the 13th of April ;

Was read the third time and passed.

The Senate bill, to incorporate the Orphans Home Association ;

Was read the third time and passed.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bill :

To allow Wm. T. Hatchett and Jared Bates, to establish Ferries across the Tallapoosa river.

M. TAUL, Secretary.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

His Excellency the Governor has approved, and signed bills which originated in the House of Representatives, of the following titles, to-wit :

An act to define the jurisdiction of Judges of Probate in certain cases ;

An act to incorporate the Decatur and Pittsburg Petroleum and Mining company ;

An act for the regulation of the chartered Banks of the State of Alabama ;

An act to regulate the jurisdiction of criminal offences, occurring upon the bay of Mobile and parts adjacent thereto ;

An act to incorporate Liberty Church in Cherokee county ;

An act to authorize the Commissioners of Revenue of Mobile county to make equitable settlements in certain cases ;

An act to authorize the Governor to sell the Alabama State Arsenal building in the city of Tuscaloosa ;

An act for the relief of Susan Wilson ;

An act to continue the collection of the Records of Alabama soldiers in the late war.

Mr. Smith, of Choctaw, by leave from the Judiciary committee, reported a substitute for the bill, supplemental to the Stay-Law, pending the consideration of which,

The hour of 12 o'clock having arrived, the House adjourned until half-past 3 p. m.

*July 21.* AFTERNOON SESSION, 3½ o'clock, p. m.

The House met pursuant to adjournment.

Mr. Moore, of Coffee, by leave, introduced a bill,

To authorize the commissioners' court of Coffee county to issue treasury notes.

Mr. Culver, by leave, introduced a bill,

To incorporate the trustees of Lawrence Lodge, No. 218.

Mr. Davis, of Bibb, by leave, introduced a bill,

To regulate the pay of jurors for the counties of Bibb, Coffee, and Jackson ;

Which bills were severally read the first, second and third times, forthwith, and passed.

Mr. Whitfield, from the Committee of Ways and Means, by leave, to which was referred the papers, vouchers and accounts, relating to the Salt Springs and Salt Lands donated to this State by the Congress of the United States, and the transactions of agents who have had the supervision and management of said lands and springs reported a bill,

To appoint an agent to superintend the Salt Springs and Lands of this State, and to take charge of all the property of the State therein, and settle all accounts with former agents, and other persons ;

Which was read the first, second and third times, forthwith, and passed.

Mr. Goodwin, from the Judiciary Committee, by leave, reported favorably to the bill,

For the relief of the indigent of Shelby county ;

Which was read the third time, forthwith, and passed.

Mr. Morse, from the Joint Select Committee, appointed to



inquire, consider and report upon the political and social condition of Alabama and her people, have discharged the duty assigned, and make the following report :

When the cause, for which the people of Alabama had endured sacrifices without parallel in history, was lost by the surrender of her heroic armies, the result was accepted as conclusive, although compelled by the verdict of the sword to abandon an institution which was so thoroughly interwoven with every thread of her social fabric that it could not be suddenly torn asunder, has been made without a murmur. Alabama turned once more to the Government against which she had been arrayed in arms and in solemn convention obliterated from her records the Ordinance of Secession, and so far as in her power, retraced her steps to the point of departure. Additional guarantees of sincerity were required at her hands, and the General Assembly responded to the call of the President of the United States, by ratifying the constitutional amendment prohibiting slavery within her borders forever, and by legislative enactment, securing protection to the freedmen in all his personal rights, and opening the courts of the State in his behalf. Having thus cheerfully complied with all the conditions demanded as a pre-requisite for restoration to her rights as a State of the Union, the people of Alabama waited anxiously, yet hopefully, for the meeting of Congress and the admission of her representatives.

Prostrated and impoverished as she had been by the war, with her fields devastated, and her homes laid waste, and with her relations to a large class of her population radically changed, the people came manfully to the duties of the hour, and with implicit reliance upon the magnanimity and good faith of the northern people, and the general government, endeavored to adapt themselves as best they could to their new condition, and were rapidly engaging in pursuits of peace. But it became ere long painfully evident that unknown persons were busily employed disseminating reports prejudicial to the honor and welfare of our people. These reports came back to us from the radical press of the North, from the halls of Congress, and from private correspondents of newspapers. A careful investigation has shown many of these reports to be utterly devoid of truth—others, having a slender foundation of facts, have been exaggerated into monstrous proportions, while others, still unfortunately true, but no where condemned more strongly than by communities in which they have occurred, and which might have taken place anywhere in the Northern States without attracting special attention—have been seized

and held for as expression of a general and dangerous public sentiment.

Our people have submitted in silence to these cruel expressions until silence has been interpreted as an acquiescence in their truth. The radicals in Congress repeat the foul charges from their places, and Alabama has no voice upon that floor to be raised in tones of indignant rebuke upon the authors of these atrocious calumnies. Instead of the sweet whisperings of peace for which she has so long listened in vain, she beholds new efforts to drag her more deeply through the valley of humiliation. It is not surprising, then, that our people are becoming discouraged and disheartened at the prospect before them. They feel that they have fulfilled all the obligations resting upon them in entire good faith, and that this returning loyalty has met no magnanimous response. With full and unwavering confidence in the President of the United States, whose policy they have accepted in all its bearings upon themselves, and have made their rule and guide for the future, they have feared that he might be borne down by the overwhelming flood of fanaticism and their last hope of returning peace and prosperity be extinguished forever.

This fanaticism has been nourished by the slanders to which allusion has already been made, and which your committee has been directed to investigate. Information has been obtained from nearly every portion of the State, and the testimony is uniform as to the loyal and peaceful disposition of the people, a kindly sympathy is manifested by the whites, with few exceptions, towards the freedmen, and their new relations to each other are being gradually adjusted upon just and equitable terms, and the freedmen are generally at work. Nothing more is apparently now required for the restoration of law and order in our midst, than the withdrawal of Federal bayonets from the State.

Believing, then, as your Committee must, from the evidence before them, that the falsehoods propagated in the North and in Congress, are the offspring of deliberate malice and design, and circulated only for the basest political purposes, it remains for us, as the representatives of the people, to denounce the authors as wilful calumniators and slanderers, and to solemnly protest against their statements being received and accepted as the truth.

In conclusion, your committee feel this to be the proper occasion for a renewed expression of the sentiment which pervade the public heart, towards the President of the United States and his policy. The following resolutions, similar in

language and purport to those recently passed by the Legislature of the old Commonwealth of Virginia, are respectfully submitted with the recommendation that they be adopted, and that a copy be transmitted to His Excellency, President Johnson, with the accompanying report.

All of which is respectfully submitted.

W. GARRETT,  
Chairman on the part of the Senate.

JOSHUA MORSE,  
Chairman on the part of the House.

The Committee reported the following resolutions:

*Resolved*, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the people of Alabama, and their representatives here assembled, cordially approve the policy pursued by Andrew Johnson, President of the United States, in the re-organization of the Union. We accept the result of the late contest, and do not desire to renew what has been so conclusively determined. Nor do we mean to permit any one subject to our control to attempt its renewal, or to violate any of our obligations to the United States Government. We mean to co-operate in the wise, firm and just policy adopted by the President, with all the energy and power we can devote to that object.

2. That the above declaration expresses the sentiments and purposes of our people, and denounce the efforts of those who represent our views and intentions to be different, as cruel and criminal assaults on our character and our interests. It is one of the misfortunes of our present political condition that we have among us persons whose interests are temporarily promoted by such false representations; but we rely on the intelligence and integrity of those who wield the power of the United States Government for our safeguard against such malignant influences.

3. That involuntary servitude, except for crime, is abolished, and ought not to be re-established, and that the negro race among us, should be treated with justice, humanity and good faith, and every means that the wisdom of the Legislature can devise should be used to make them useful and intelligent members of society.

4. That Alabama will not voluntarily consent to change the adjustment of political power, as fixed by the Constitution of the United States, and to constrain her to do so in her present prostrate and helpless condition, with no voice in the councils of the nation, would be an unjustifiable breach of faith; and

that her earnest thanks are due to the President for the firm stand he has taken against amendments of the Constitution, forced through in the present condition of affairs;

Which were adopted. Yeas 72, nays, 0.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Braudon, Bush, Caffey, Clark of Lawrence, Cobb, Cotton, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Frazer, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Walker, Waller, Warren, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—72.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

I am directed by his Excellency, the Governor, to communicate to the House of Representatives a message in writing.

EXECUTIVE DEPARTMENT, }  
Montgomery, February 21, 1866. }

*To the House of Representatives :*

I have examined the bill which originated in the House of Representatives, to authorize the judge of the city court of Selma to appoint a solicitor for that court, and think that it is unconstitutional.

Section 2, article III. of the Constitution requires that "an Attorney General and as many Solicitors as there are Judicial Circuits in the State shall be elected by the joint vote of both Houses of the General Assembly, each of whom shall hold his office for the term of four years, shall perform all the duties that may be required of him by law, and shall receive such compensation for his services as may be by law provided, which shall not be diminished during his continuance in office."

In pursuance of the foregoing section of the constitution, the General Assembly enacted a law requiring the Solicitor of each Circuit "To attend on the grand juries; to advise them in relation to matters of law, and examine and swear witnesses before that body; to draw up all indictments, and to prosecute

all indictable offences; to prosecute and defend any civil action in the Circuit Court in the prosecution or defence of which the State is interested; to perform such other duties as are or may be required by law, (Code § 724,) and for the performance of the duties of his office, each Solicitor is entitled to receive a salary of two hundred and fifty dollars, and to certain fees in each case upon the conviction of the defendant. The salary and the fees together, make up his compensation. To reduce the salary or the fees of the Solicitor *after* his appointment to office, would be clearly unconstitutional. Can the General Assembly do indirectly, what the constitution forbids to be done directly? Certainly not. But the act under consideration will diminish the fees to which the Solicitor of the Circuit would be entitled, by authorizing the appointment of another officer to share his duties, and to divide his fees. It is incumbent upon the Solicitor of the Circuit to attend *all* grand juries and to prosecute all indictable offences, whether in the City or Circuit Court—and for the discharge of these duties he is entitled upon the conviction of offenders, to receive fees. The reduction of the amount of his fees, or the abolition of them altogether, as it would diminish his compensation, would be unconstitutional. I do not think the General Assembly could bestow upon the Solicitor of the City Court of Selma any part of the salary provided for the Solicitor of the Circuit; nor can it deprive him of fees fixed by law; because the fees are as much a part of his compensation as his salary is.

For the reasons mentioned, I very respectfully return the bill to the House of Representatives, without my approval.

R. M. PATTON,  
Governor of Alabama.

The veto message was read, and upon the vote being taken upon the passage of the bill, it was lost.

Yeas 2, Nays 57.

YEAS—Messrs. Hardie, and Robinson of Baldwin—2.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Bush, Chapman, Clark of Lawrence, Cobb, Connelly, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Frazer, Gibson, Goodwin, Grant, Hare, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Russell, McLester, McMillan, Meadors, Moore of Coffee, Moore of Perry, Morse, Oliver, Padgett, Pierce, Potter, Reese, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson,

Steadham, Sturdivant, Thorn, Walker, Warren, Whitfield, Williams of Jackson, and Worthy—57.

Message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed the following bills—

To incorporate the labor regulating association of Clarke county;

To incorporate the Tennessee and Alabama Mining and Manufacturing Company.

The Senate has passed the following House bills—

To authorize the Commissioners' Courts of Autauga and Pickens counties to issue certificates of indebtedness or county treasury notes, for purposes therein named;

To charter the National Savings Institution of Mobile;

To incorporate the Deposit Savings Association of Mobile;

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State;

For the relief of P. G. Nash, General Administrator of Sumter county;

For the relief of Executors, Administrators and Guardians;

To authorize the Court of County Commissioners of Marion county to issue treasury notes for certain purposes;

To relieve County Superintendents and Trustees of Education;

For the relief of Elizabeth Morris;

To provide for the location of the county site of the county of Conecuh;

To incorporate the Commercial Savings Company of Mobile;

For the relief of the Court of County Commissioners of Macon county;

For the relief of the Fire Department of the city of Mobile;

To define the powers of Justices of the Peace in the counties of Dallas, Pickens, and other counties;

To legalize and authorize the further suspension of special payments by the Bank of Selma;

To amend an act to extend the charters of the Banks of Alabama therein named;

To incorporate the Mobile Medical Society;

To incorporate the Mobile and Western Rail Road Company;

To increase the pay of Commissioners of Roads and Revenues, and Jurors for the counties of Covington and Coosa.

The Senate refuses to concur in the House amendment to the Senate bill—

To authorize the Courts of County Commissioners of Mobile, Talladega, and other counties to levy taxes upon dogs.

The Senate has amended, as therein shown, and passed the House bills—

To make appropriations for the fiscal year ending on the 30th day of September, 1866.

To incorporate the Eutaw Savings Bank.

The Senate concurs in the House amendment to the Senate bills—

To fix the amount of printing to be done for the State, and the compensation for the same ;

To amend the charter of the Memphis and Charleston Rail Road Company.

M. TAUL, Secretary.

The House proceeded to the consideration of the Senate bill—

To incorporate the Southern Commercial Association.

Mr. Morse moved to postpone until to-morrow, 12 o'clock m.

Lost.

Mr. Potter offered the following amendment as an engrossed ryder :

*Provided*, That nothing herein contained shall be so construed as to prevent the General Assembly of this State from interposing to correct any abuses of this charter, which in its judgment may be prejudicial to the public interest ;

Which was read the first and second times forthwith.

Mr. Echols moved to lay the amendment on the table.

Lost. Yeas 15 ; nays 48.

YEAS—Messrs. Echols, Goodwin, Hare, Humphrey, Lanier, Mabry, McCann, McCoy of Russell, Meadors, Moore of Perry, Pipkin, Reese, Richardson, Robinson of Chambers and Sturdivant—15.

NAYS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Bush, Cobb, Connelly, Cotten, Culver, Davis of Barbours, Davis of Bibb, Dobson, Doster, Frazer, Gibson, Goldthwaite, Grant, Hand, Hawthorne, Henry, Ledbetter, Leeper, Malone, Malloy, Manasco, McAlexander, McCain, McLester, McMillan, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Potter, Raisler, Robinson of Baldwin, Smith of Choctaw, Steadham, Thorn, Walker, Warren, Whitfield, Williams of Jackson, and Wilhite—48.

Mr. Wilhite moved to adjourn till half-past nine o'clock, to-morrow morning.

Lost.

On motion, of Mr. Whitfield, the business before the House was suspended, and the bill

To establish a new Penal Code, was taken up, and the Senate amendment thereto concurred in.

Also, the bill to make appropriations for the fiscal year ending on the 30th day of September, 1866,

Was taken up, and the amendments of the Senate concurred in.

The following protest was spread upon the Journal by Mr. Williams, of Jackson:

HOUSE OF REPRESENTATIVES, }

February 21, 1866. }

I am constrained to protest against the Revenue bill, as passed at the present session. First, said Revenue law is sectional, and does manifest injustice to certain localities, as well as to certain individuals, white as well as black. First as to location: under the peculiar situation that existed from causes unnecessary now to reiterate—only this, the abolition of slavery—thereby drying up one of the great sources of revenue heretofore inuring to the State of Alabama. Under such circumstances as these it was thought a tax bill would be made principally to draw taxes from the productive labor of the country, which I hold has not been done.

The great staple commodity, cotton, "goes scot free." "King Cotton." I should have thought as said King had been somewhat of late *deposed*, that the people had a little right to make some exactions. But no. The dead body of Hector was too strongly guarded for that. See the formation of the Committee of Ways and Means. Then to the Grecian Horse. Now let it be known, as individuals, I make no charge against the effective members of said committee. As individuals, they are gentlemen—as members of this House they are effective enough to appropriate the lion's share. But this I say—and this the journals of this House will prove, that the said committee composed one-half of the whole element of the House of Representatives, that have shaped the legislation of this session, and to them I attach no blame individually, or as individual members. But my objection rises from the formation of that committee, a majority of which is from the cotton growing region, and in this bill they have guarded well this interest, and shifted the burdens on other men's shoulders—on my constitu-



ents, and on North Alabama generally, by imposing an onerous capitation tax and by taxing their little distilleries, so as even to abolish stills and the distilling of even fruit, &c. If the poor pay the tax, fight the battles, hew the wood, and draw the water, certain it is, a poor man in Alabama is not to be envied now. My name appears on the Journal as voting for the bill; I voted with the majority for the purpose of moving a reconsideration, and for that only; but, as usual, I found at least three of the committee already upon the floor, moving to send forthwith to the Senate; which *legedemain* carried, and I went under, &c. I protest against most of the provisions of the said bill, and enter this, my protest, on the journals.

Respectfully, &c.,

JAMES WILLIAMS, of Jackson.

On motion of Mr. Whitfield, the House adjourned till tomorrow morning, 9½ o'clock.

THURSDAY, February 22, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

On motion of Mr. McCoy, of Russell, the reading of the Journal was dispensed with.

Message from the Senate by Mr. Taul:

*Mr. Speaker:*

The Senate has passed a House bill,

To authorize the Governor to issue and sell State bonds, to aid the indigent and needy people of the State.

The Senate has rejected the House bill,

To arrest the spread of small-pox.

The Senate concurs in the House amendment to the Senate bill,

To amend the charter of the Memphis & Charleston Railroad Company.

The Senate has originated and passed a bill,

To authorize the chancery court to adjudicate claims against the estate of deceased persons, and other estates held in trust.

M. TAUL, Secretary.

Mr. Tompkins, from the Committee on Corporations, reported a substitute for the Senate bill

To amend an act entitled an act to incorporate the Selma Savings Company, approved December 10, 1864.

The substitute was adopted. Read the third time forthwith, and passed.

Also, favorably to the Senate bill to incorporate the Selma and Montgomery Navigation Company.

Mr. Cobb moved to amend by restricting the fare to five dollars for cabin passengers, two dollars for deck passengers, and fifty cents per pound for freight.

Lost.

Mr. Robinson moved to amend as follows:

*Be it further enacted,* That the General Assembly may, whenever they deem it necessary, regulate the prices of freight and passage on the boats belonging to the above incorporated company.

Lost.

The bill was read the third time forthwith, and passed.

Also, favorably to the Senate bills—

To incorporate the Georgia and Alabama Mining and Manufacturing Company;

To incorporate the Empire Oil and Mining Company;

To incorporate the Mississippi and Alabama Oil and Mining Company;

To incorporate the Alabama Lumber and Manufacturing Company;

To incorporate the Braudridge Male and Female Academy;

To amend the charter of the Central City Insurance Company;

To incorporate the Warrior Petroleum Company;

To incorporate the town of Union Springs, Macon county;

To incorporate the Mississippi Valley Company;

To incorporate the American and Brazilian Steamship Company;

Which were severally read the third time forthwith, and passed.

Also, favorably with an amendment to the Senate bill

To incorporate the Montgomery Savings Bank at Montgomery.

Amend by striking out the word "bank", where it occurs in said act, or in the title of the same, and inserting the word "association."

The amendment was adopted, the bill read the third time, forthwith, and passed.

Also, favorably, with an amendment to the Senate bill,

To incorporate the Franklin Oil and Mining Company;

Amend by adding to the last section, this proviso :

*Provided*, That nothing in this charter shall be so construed as to confer upon the incorporators the right to obstruct any stream or water course now declared navigable, or that may hereafter be declared navigable by law.

The amendment was adopted, the bill read the third time, forthwith, and passed.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

His Excellency the Governor has approved and signed bills which originated in the House of Representatives, with the following titles :

An act to establish revenue laws of the State of Alabama ;

An act to incorporate the town of Tuskegee in the county of Macon ;

An act to amend the 3d section of the act to incorporate the Union Express Company ;

An act to authorize writs of garnishment against incorporated cities, towns and villages ;

An act to incorporate the Alabama, Tennessee and North-western Oil and Mining Company ;

An act to exempt certain property therein named from levy and sale, for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin and DeKalb ;

An act to amend and extend an act entitled " an act to change and modify section 2706 of the code, in relation to the lien on steamboats," approved February 15th, 1855 ;

An act to regulate the salaries of the officers of the executive department of the State, and to regulate the same, and discontinue certain officers therein named ;

Mr. Tompkins, from the Committee on Corporations, reported favorably to the bill,

To incorporate the Stonewall Institute, in Perry county.

To amend an act to incorporate the Factors and Grocers Marine and Fire Insurance Company of Mobile ;

To incorporate the New Orleans and Selma Railroad Company ;

To incorporate the Bienville Water Works Company for the city of Mobile ;

To incorporate the Bienville Gas Light Company for the city of Mobile ;

To revive an act incorporating the Mobile and Three Mile Creek Plank Road Company ;

To incorporate the Wills Valley Mining and Manufacturing Company ;

To incorporate the Mobile Gas Light and Coke Company ;

To authorize the incorporation of companies for improving burial grounds ;

Which were severally read the third time forthwith, and passed.

Also, favorably, with an amendment, to the bill—

To incorporate the Alabama and Northwestern Oil Company.

The amendment was adopted, the bill read the third time, and passed.

Mr. Tompkins, from same committee, reported a bill in compliance with the petition from sundry citizens of Ozark, in Dale county, to incorporate the town of Ozark, in Dale county ;

Which was read the 1st, 2d and 3d times forthwith, and passed.

Also, adversely to the bill—

To incorporate the Southern Insurance and Transportation Company.

The report was concurred in.

Also, favorably, with an amendment, to the bill—

To incorporate the American Immigration and Land Company ;

Which was read the third time forthwith, and,

On motion of Mr. Morse, was laid on the table.

Yeas, 37 ; nays, 13,

YEAS—Messrs. Ash, Bourland, Brandon, Bush, Clark of Lawrence, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Gibson, Grant, Hand, Hawthorne, Ledbetter, Leeper, Malloy, Manasco, McAlexander, McCain, McLester, Morse, Odum, Oliver, Palmer, Padgett, Potter, Smith of Jackson, Steadham, Thrasher, Thorn, Warren, Williams of Jackson, and Willite—37.

NAYS—Messrs. Caffey, Echols, Goodwin, Lanier, Mabry, McCoy of Russell, Raisler, Reese, Richardson, Robinson of Baldwin, Waller, Williams of Randolph, and Worthy—13.

Message from the Senate by Mr. Garrett :

*Mr. Speaker :*

The Senate has originated and passed the following bills :

To compensate the pages of the two Houses for certain services therein named ;

For the relief of plaintiffs.

The Senate has passed the following House bills :

To regulate the pay of jurors for the counties of Bibb, Coffee and Jackson ;

To incorporate the Mobile and Alabama Grand Trunk Railroad Company ;

To authorize the commissioners' court of Coffee county to issue treasury notes ;

To incorporate the trustees of Lawrence Lodge, No. 218 ;

To appoint an agent to superintend the Salt Springs and lands belonging to the State, and to take charge of all the property of the State therein, and settle all accounts with former agents and other persons ;

For the relief of the indigent of Shelby county.

M. TAUL, Secretary.

Mr. Tompkins, from the same committee, reported favorably with an amendment to the bill

To incorporate the Planters' Insurance Company.

The amendment was adopted, the bill read the third time forthwith, and passed.

Also, adversely to the bill

To incorporate the Coosa River Mining and Manufacturing Company.

The report was concurred in.

Also, adversely to the bill.

To incorporate the Montgomery Hospital Association.

On motion of Mr. Bethea, the report was laid on the table.

Mr. Bethea offered the following amendment :

Strike out all after the word "creation," in third section, relating to the establishment of a lottery, and insert in lieu thereof the following : all fines and forfeitures arising from gaming cases in the circuit or city courts of Montgomery, shall be paid over to the said corporation, to be by them used solely for the purpose indicated in this act, and said corporation shall give bond and security, to be approved by the Governor, conditioned for the faithful application of said fines and forfeitures.

On motion of Mr. Padgett, the bill and amendments were laid on the table.

Mr. Caffey, from the Committee on Accounts and Claims, reported favorably to the following Senate bills :

For the relief of W. B. & A. R. Bell ;

For the relief of Rebecca Carson, of Bibb county ;

For the relief of A. Strassburger ;

For the relief of William Johnson ;

To compensate D. J. Bunting, for wood furnished State Capitol;

For the relief of J. Davidson & Co., of Montgomery;

Providing for the payment of Messrs. Stone & Henry, for State Printing;

For the relief of John Callahan, of Montgomery;

For the relief of Allen J. Driver;

For the relief of John Callahan;

Which were severally read the third time forthwith, and passed.

Also, favorably with an amendment to the Senate bill,

For the relief of B. W. Young, late Sheriff of Montgomery county.

Amend by striking out \$241, and inserting in lieu thereof, \$183.

The amendment was adopted, the bill read the third time forthwith, and passed.

Also, adversely to the Senate bill,

To appropriate \$114.60 to C. A. Spangenburg.

The report was concurred in.

Also, favorably, with an amendment, to the Senate bill,

For the relief of Jas. B. Farmer, late Sheriff of Calhoun co.

Amend by striking out \$385, and inserting \$90.40 in lieu thereof.

The amendment was laid on the table, and the bill was read the third time forthwith, and the vote being taken, stood—

Yeas 32; nays 26.

YEAS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brandon, Culver, Echols, Gibson, Goldthwaite, Goodwin, Hand, Hawthorne, Lanier, Mabry, Malone, McAlexander, McCain, McCann, McMillan, Pierce, Plowman, Potter, Raisler, Reese, Richardson, Sheffield, Sturdivant, Thrasher, Walker, Warren and Whitfield—33.

NAYS—Messrs. Bush, Caffey, Chapman, Clark of Lawrence, Cotten, Davis of Barbour, Davis of Bibb, Grant, Henry, Leeper, Lindsey, Malloy, Manasco, McCoy of Russell, McLester, Moore of Coffee, Odum, Oliver, Palmer, Padgett, Robinson of Baldwin, Smith of Choctaw, Steadham, Thorn, Williams of Jackson, and Willhite—26.

The Speaker decided that the bill was lost for the want of a constitutional majority.

Mr. Borden appealed from the decision, and the question being—

Shall the decision of the chair be sustained,

It was decided in the affirmative.

Also, asking to be excused from reporting on the Senate bill—

To provide for paying expenses of the Governor's inauguration.

The committee was excused.

The bill was then taken up, read the third time forthwith and passed.

Also, favorably to the Senate bill—

For the relief of Abner Killough, late Sheriff of Jefferson county ;

Which was read the third time forthwith, and passed.

Also, adversely to the Senate bill—

For the relief of John C. Harvey, of the county of Greene.

The report was concurred in.

Also, adversely to the bills—

For the relief of A. H. Slaughter, of the county of Tallapoosa ;

To authorize the Governor to make settlement with Lehman & Bro., for wire furnished in 1864 and 1865 ;

Which were read the third time forthwith, and passed.

Also, adversely to the bill—

For the relief of C. M. Vaiden.

The report was concurred in.

Also, adversely—

To the account of Mrs. Lomax against the State of Alabama.

The report was concurred in.

Also, favorably, with an amendment, to the bill—

For the relief of Thomas T. McCorkle, late tax assessor of Lauderdale county.

The amendment was adopted.

The bill was read the third time forthwith, and passed.

Also, favorably, with an amendment, to the bill—

For the relief of Edward H. Ustick, jailor of Sumter county.

The amendment was adopted.

The bill was read the third time forthwith, and passed.

Also, favorably, with an amendment, to the Senate bill—

To compensate W. C. Allen and A. J. Walker for servant hire.

Amend by striking out "one hundred and twenty-five dollars," in the account of J. W. Keyes, and inserting "fifty dollars."

The amendment was adopted, the bill read the third time, forthwith.

On motion of Mr. Borden, the vote was reconsidered by

which the bill was ordered to its third reading, forthwith, and it was ordered to a third reading to-morrow.

Mr. Goodwin, from the Judiciary Committee, reported favorably, with an amendment, to the Senate bill.

To reorganize and fix the time for holding the courts of chancery in the Middle Chancery Division ;

Amend as to the 13th and 14th Districts, so as to read as follows: " For 13th District, the first Monday after the fourth Monday in July, and allowed six days, and first Thursday after first Monday in February, and allowed two days at a term ; for 14th District, the second Monday after the fourth Monday in July, and allowed six days ; and the first Monday in February, and allowed two days to the term ; "

The amendment was adopted, the bill read the third time, forthwith, and passed.

The hour of 2 o'clock having arrived, the House adjourned till this evening at half-past 3 o'clock.

AFTERNOON SESSION, February 22d, 3½ o'clock.

The House met pursuant to adjournment.

Mr. Doster moved to suspend the business before the House, to allow him to introduce a bill.

Lost.

Leave of absence was granted Messrs. Malloy and Hardie.

Message from the Senate by Mr. Garrett.

*Mr. Speaker,*

The Senate has originated and passed the following bills :  
For the relief of James B. Berry, of the county of Tuscaloosa ;

For the relief of Stephen K. Cushen of the county of Covington ;

To make Mrs. A. D. Sanford, wife of Daniel Sanford, of the county of Macon, a free dealer ;

M. TAUL, Secretary.

The Senate bill,

To incorporate the Southern Commercial Association, was taken up ;

The question pending on yesterday when the House adjourned, being on the adoption of the engrossed ryder offered by Mr. Potter.

On motion of Mr. Borden, the engrossed ryder and bill were laid on the table. Yeas, 38 ; nays, 35.



**YEAS**—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Bush, Clark of Lawrence, Cobb, Connelly, Cotten, Culver, Davis of Barbour, Dobson, Doster, Grant, Hardie, Hawthorn, Henry, Ledbetter, Lindsey, Malone, Malloy, Manasco, McAlexander, McCain, McLester, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Potter, Thorn, Walker, Warren, Whitfield, and Willite—38.

**NAYS**—Messrs. Bethea, Cailey, Chapman, Echols, Ellis, Frazer, Gibson, Goldthwaite, Hand, Hare, Humphrey, Lanier, Loper, Mabry, McCann, McCoy of Russell, McMillan, Meaders, Moore of Perry, Pierce, Pipkin, Plowman, Raisler, Reese, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Williams of Jackson, Williams of Randolph and Worthy—35.

The Senate bills,

To incorporate the Talladega Petroleum and Mining company;

To incorporate the Pioneer Oil and Mining company of Alabama;

To change the terms of the City Court of Selma;

To allow William T. Hatchett and Jared Bates to establish ferries across the Tallapoosa river;

For the relief of Plaintiffs;

To incorporate the Labor Regulating Association of Clark county;

To compensate the Pages of the two Houses for certain services therein named;

To make Mrs. A. D. Sanford, wife of Dan'l Sanford of the county of Macon, a free dealer;

To amend section 169 of the Code;

Were severally read the first, second and third times forthwith, and passed.

A message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has originated and passed the following bill—

To provide for assistance in the Treasurer's office in certain cases.

M. TAUL, Secretary.

The House concurs in the Senate amendments to the House bills:

To incorporate the Eutaw Savings Bank;

To authorize and require the Comptroller of Public Accounts,

to draw his warrant on the State Treasurer, in favor of the several Probate Judges for administering, transcribing and filing amnesty oaths;

On motion of Mr. Echols, the House adjourned till to-morrow morning 9½ o'clock.

FRIDAY, February 23, 1866.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Jordan.

On motion of Mr. Mabry the reading of the journal was dispensed with.

On motion of Mr. Borden, the vote was reconsidered by which the decision of the chair was sustained, on yesterday, by the House;

That the bill,

For the relief of James B. Farmer, late sheriff of Calhoun county, was not passed for want of a constitutional majority.

The Speaker reversed his decision and decided that the bill was passed.

Mr. Moore, of Coffee, appealed from this decision.

The question being, shall the decision of the chair, be sustained, the House decided in the negative. Yeas 22, nays 31.

YEAS—Messrs. Bankhead, Bethea, Borden, Brandon, Bush, Frazer, Goodwin, Hare, Humphrey, Mabry, Malone, McAlexander, McCain, Moore of Perry, Pitkin, Potter, Raisler, Reese, Richardson, Sheffield, Sturdivant, and Whitfield—22.

NAYS—Messrs. Bourland, Caffey, Clark of Lawrence, Connelly, Cotton, Davis of Barbour, Dobson, Doster, Goldthwaite, Grant, Hawthorne, Ledbetter, Leeper, Lindsey, Manasco, McCoy of Russell, McLester, McMillan, Moore of Coffee, Morse, Odum, Oliver, Palmer, Padgett, Robinson of Chambers, Stringer, Thorn, Walker, Williams, of Randolph, Wilhite, and Worthy—31.

Mr. Mabry offered the following resolution:

*Resolved*, That, with the concurrence of the Senate, the resolution requiring the two Houses to adjourn at 12 M., this day, be rescinded, and the two Houses will adjourn at such time on that day or night as the business of the General Assembly will permit.

Mr. Padgett moved to amend as follows:

That no business, except messages from the Senate, shall be considered. Lost.

The resolution was then adopted.

Mr. Morse, from Select Committee, made the following report :

The Select Committee, to whom was referred joint resolutions of the House, authorizing the institution of proceedings against the Selma and Meridian Railroad, have had the same under consideration, and beg leave to report, that in consequence of the want of time to give the subject a thorough investigation, the magnitude of the interest at stake, the weighty responsibility resting upon the General Assembly, in connection with the performance of legal duties on the part of this, and other incorporated companies, and the delicate character of the duties of the committee, that the public interest demands that further time should be granted the committee to make their report ; they therefore ask that they be allowed to make a full and complete report to the next session of the General Assembly.

Respectfully submitted.

JOSHUA MORSE, Chairman.

The report was concurred in.

Mr. Doster introduced a bill,

To compensate S. B. Brewer for certain services ;

Which was read the first and second times, forthwith.

Mr. Worthy moved to strike out "four hundred and forty" and insert "two hundred and sixty."

Adopted. Yeas, 37 ; nays, 14.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Chapman, Cobb, Culver, Davis of Barbour, Dobson, Frazer, Gibson, Goldthwaite, Hare, Ledbetter, Leeper, Manasco, McAlexander, McCain, McCoy of Russell, McLester, McMillan, Moore of Coffee, Oliver, Palmer, Pipkin, Plowman, Potter, Robinson of Chambers, Stringer, Thorn, Walker, Warren, Wilhite and Worthy—37.

NAYS—Messrs. Bankhead, Doster, Echols, Goodwin, Grant, Hawthorne, Lindsay, Pierce, Raisler, Reese, Richardson, Thrasher, Waller, and Whitfield—14.

The bill was then read the third time forthwith, and passed.

Message from the Senate by Mr. Garrett.

*Mr. Speaker :*

The Senate has originated and passed a bill—

To incorporate the Cahaba Coal Company.

The Senate has passed the House bill—

To amend an act to incorporate the Factor's and Grocer's

Fire Insurance Company of Mobile, approved December 14th, 1863.

M. TAUL, Secretary.

Message from his Excellency, the Governor, by Mr. Dixon :

*Mr. Speaker :*

His Excellency, the Governor, has approved and signed bills which originated in the House of Representatives, entitled :

An act for the relief of P. G. Nash, general administrator of Sumter county ;

An act to authorize the commissioners courts of Autauga and Pickens counties to issue certificates of indebtedness, or county treasury notes, for purposes therein specified ;

An act to relieve county superintendents and trustees of education ;

An act to incorporate the Commercial Savings' Company of Mobile ;

An act to authorize the guardian of Sallie Ann and Drury Fair Jones, to lease and repair the real estate of said minors ;

An act to require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State ;

An act to repeal an act entitled "an act to amend section 1143 of the Code, as to overseers of roads ;

An act to incorporate the Mobile Medical Society ;

An act to repeal an act entitled an act to repeal certain acts, regulating judicial proceedings, and for other purposes ;

An act to authorize the court of county commissioners of Marion county to issue treasury notes for certain purposes ;

An act for the relief of Elizabeth Morris ;

An act to amend an act to extend the charters of the Banks of Alabama, therein named ;

An act to incorporate the Deposit Savings' Association of Mobile ;

An act to declare Elizabeth Hoodley and Mary Ann Crowder, free dealers ;

An act to authorize registers in chancery to appoint receivers.

The Senate bills—

To declare Exa M. Brown, wife of Henry H. Brown, of the county of Chambers, a free dealer ;

To allow appeals by consent from interlocutory decrees on motion to dismiss bills, for want of equity, and from interlocu-

tory judgments on matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases ;

To provide in the Treasurer's Office, in certain cases ;

For the relief of James B. Berry, of Tallapoosa county ;

To incorporate the Tallapoosa Savings' Association ;

For the relief of administrators, guardians and trustees ;

To incorporate the Tennessee and Alabama Mining and Manufacturing Company ;

Which was severally read the first, second and third times forthwith, and passed.

Message from the Senate by Mr. Taul:

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved,* By the Senate, (the House concurring,) that the joint resolution to adjourn to-day at 12 o'clock m., be and the same are hereby rescinded, and that the two houses will adjourn this evening, the 23d February, 1866, at 5 o'clock.

The Senate has originated and passed a bill

To save the State from the expense of publishing charters of private corporations, or amendments of such charters.

M. TAUL, Secretary.

The resolution of the Senate fixing the time of adjournment at 5 o'clock this afternoon, was concurred in by the House.

The Senate bill in relation to reporting and publishing the proceedings of the General Assembly, and the captions of the Acts,

Was read the first and second times forthwith.

On motion Mr. Davis, of Bibb, the bill was laid on the table.

Mr. Smith, of Choctaw, from the committee on the Judiciary, reported a substitute for the bill

Supplemental to the Stay Law.

Mr. Goodwin moved to lay the report, bill and substitute on the table.

Lost. Yeas 28 ; nays 31.

YEAS—Messrs. Ash, Bourland, Bush, Chapman, Clark of Lawrence, Culver, Echols, Frazer, Goodwin, Hare, Hawthorne, Humphrey, Leeper, Lindsey, Mabry, Manasco, McCain, Morse, Odum, Oliver, Padgett, Pierce, Potter, Reese, Sheffield, Thorn, Williams of Jackson, and Wilhite—28.

NAYS—Messrs. Bankhead, Bathea, Borden, Caffey, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Doster, Gibson, Goldthwaite, Grant, Ledbetter, McCoy of Russell, McLester,

McMillan, Moore of Coffee, Moore of Perry, Palmer, Pipkin, Plowman, Raisler, Richardson, Robinson of Chambers, Stringer, Sturdivant, Thrasher, Walker, Warren, Whitfield and Worthy—31.

The question then recurred on the adoption of the substitute.

The substitute was adopted.

Yeas 34; nays 26.

YEAS—Messrs. Ash, Bankhead, Bethea, Bourland, Brandon, Caffey, Cobb, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Doster, Frazer, Gibson, Goldthwaite, Grant, McCoy of Russell, McLester, McMillan, Moore of Coffee, Moore of Perry, Palmer, Pipkin, Raisler, Richardson, Robinson of Chambers, Stringer, Sturdivant, Thrasher, Walker, Waller, Warren, Whitfield and Worthy—34.

NAYS—Messrs. Ashford, Bush, Chapman, Culver, Echols, Goodwin, Hare, Hawthorne, Humphrey, Leeper, Lindsey, Mabry, Manasco, McCain, Morse, Odum, Oliver, Padgett, Pierce, Plowman, Potter, Reese, Sheffield, Thorn, Williams of Jackson, and Wilhite—26.

The question being on the suspension of the constitutional rule for the purpose of giving the bill its third reading forthwith, was lost. Yeas 31, nays 26.

YEAS—Messrs. Speaker, Bankhead, Bethea, Bourland, Brandon, Caffey, Cobb, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Doster, Gibson, Goldthwaite, Grant, McCoy of Russell, McLester, McMillan, Moore of Coffee, Moore of Perry, Palmer, Pipkin, Raisler, Richardson, Stringer, Sturdivant, Walker, Waller, Warren, Whitfield, and Worthy—31.

NAYS—Messrs. Ashford, Bush, Chapman, Culver, Echols, Goodwin, Hardie, Hawthorne, Humphrey, Leeper, Lindsey, Mabry, Manasco, McCain, Morse, Odum, Oliver, Padgett, Pierce, Plowman, Potter, Reese, Sheffield, Thorn, Williams of Jackson, and Wilhite—26.

On motion of Mr. Echols, the House adjourned till half-past three o'clock this afternoon.

#### AFTERNOON SESSION, 3½ o'clock, p. m.

The House met pursuant to adjournment.

Mr. Leeper, by leave, introduced a bill,

For the relief of Josiah Daniel;

Which was read the 1st, 2d and 3d times, forthwith, passed, and ordered to the Senate.

On motion of Mr. Gibson, the business before the House was suspended, to take up the Senate bill,

To aid the building of the South and North Alabama Railroad;

Which was read once.

Mr. Padgett moved to lay the bill on the table. There being no quorum voting, further action on the bill was suspended.

Message from the Governor by Mr. Dalton:

*Mr. Speaker:*

I am directed by His Excellency, the Governor, to communicate to the House of Representatives, a message in writing:

EXECUTIVE DEPARTMENT,  
Montgomery, Alabama, February 23d, 1866. }

*To the House of Representatives:*

A bill has this day been placed in my hands, which originated in the House of Representatives, of the following title:

"A bill to be entitled an act to authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer in favor of the several Probate Judges for administering, transcribing, and filing amnesty oaths."

If this bill were to become a law, the Comptroller would be required to draw his warrant in favor of the several Probate Judges of the State for the amount of their respective claims, which would be payable to Senators and Representatives in the Legislature, as agents and attorneys for the various Probate Judges.

The late Convention of Alabama passed ordinances fixing the fees of Probate Judges for administering amnesty oaths, and prescribing the manner in which they should be paid. (See Ordinances No. 28 and No. 52.) Under these ordinances, the Comptroller has addressed communications to the various Judges of Probate in the State, requesting them to forward their accounts properly certified, showing the number of oaths administered, transcribed and registered; and at the same time, showing the amount of money in their hands due the State, for licenses and seal fees, which it is their duty to collect and pay into the State Treasury. In pursuance of the instructions thus sent out, many of the Judges of Probate have sent up their accounts, while many have not responded to the Comptroller's request. The accounts which have been received were regularly adjusted, and upon a principle which I think is entirely correct. The sum which was found due the State, was

subtracted from the amount payable for administering oaths, and the remainder promptly paid to the claimants.

This is a mode of settling accounts to which I think no reasonable objection could be urged. It does full justice to the probate judges, and effectually protects the interests of the State, which it is the bounden duty of the executive to carefully guard. Under the operations of this bill, the State would have to pay the full amount of the claims—duly authenticated, of course—to those judges whose accounts have not yet been settled; while they already have in their possession funds to which the State is justly entitled. This, I think, is an erroneous principle upon which to settle public accounts. Besides, if this bill were to become a law, the judges who would be paid under it, would have their accounts settled upon a basis different from that which has been applied to those which have already been received at the Comptroller's office. Such a discrimination, in my judgment, should not be made.

For these reasons, I deem it a duty to respectfully return this bill to the House of Representatives without my approval.

R. M. PATTON,  
Governor of Alabama.

A message from the Senate by Mr. Garrett:

*Mr. Speaker:*

The Senate has passed the following House bills:

To compensate J. B. Brewer for extra services:

To incorporate the Bienville Water Works Company, for the city of Mobile;

For the relief of A. H. Slaughter, of the county of Tallapoosa;

To incorporate the Bienville Gas Light Company, for the city of Mobile;

For the relief of Edward H. Ustick, jailor of Sumter county;

To incorporate the Planters Insurance Company;

For the relief of Josiah Daniel.

NICAH TAUL, Secretary.

Mr. McMillan offered the following resolutions;

Which were adopted:

*Resolved*, That the thanks of this House are due, and are hereby tendered to the Hon. Thomas B. Cooper, for the able, im-



partial, and dignified manner with which he has discharged the onerous duties of Speaker of this House.

*Resolved*; That the thanks of the House are also tendered to the officers of the House, other than the Speaker, for the faithful and efficient service rendered by them in their respective offices.

Mr. Pierce, from the Committee on Enrolled Bills, reported the following as having been correctly enrolled :

- An act to establish revenue laws of the State of Alabama;
- An act to incorporate the Alabama, Tennessee and North western Oil Company;
- An act to declare Elizabeth Hoodly and Mary Ann Crowder free dealers;
- An act to repeal an act to amend section 1113 of the Code as to overseers of roads ;
- An act to authorize registers in chancery to appoint receivers;
- An act to authorize writs of garnishment against incorporated cities, towns and villages ;
- An act to authorize the guardians of Sallie Ann, and Drury Fair Jones, to lease and repair the real estate of said minors;
- An act to legalize certain salaries ;
- An act to amend the 3d section of an act to incorporate the Union Express Company ;
- An act to amend and extend an act to change and modify section 2706 of the Code, in relation to the lien on steamboats, approved February 15th, 1865 ;
- An act to incorporate the town of Tuskegee, in the county of Macon ;
- An act to exempt certain property from taxation and sale, for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin, and DeKalb;
- An act to incorporate the Mobile Medical Society ;
- An act to repeal an act entitled " an act to repeal certain acts regulating judicial proceedings, and for other purposes ; "
- An act to authorize the court of county commissioners of Marion county to issue treasury notes for certain purposes ;
- An act for the relief of Elizabeth Morris ;
- An act to relieve county superintendents and trustees of education ;
- An act for the relief of executors, administrators and guardians ;
- An act to incorporate the Deposit Savings Association of Mobile ;
- An act for the relief of P. G. Nash, General administrator of Sumter county ;

An act to require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State ;

An act to extend the charter of the banks of Alabama therein named ;

An act to establish a new Penal Code ;

An act to incorporate the Commercial Savings' Company of Mobile ;

An act to provide for the location of the county site of the county of Conecuh ;

An act to provide for the relief of the Fire Department of the City of Mobile ;

An act to increase the pay of commissioners of roads and revenue and jurors for the counties of Covington and Coosa ;

An act for the relief of the court of county commissioners of Macon county ;

\* An act to define the power of justices in Dallas, Pickens and other counties ;

An act to authorize the further suspension of specie payments by the Bank of Selma ;

An act to authorize the commissioners' courts of Autauga and Pickens counties to issue certificates or treasury notes, for purposes therein specified ;

An act to make appropriations for the fiscal year ending on the 30th day of September, 1866 ;

An act to appoint an agent to superintend the Salt Springs and lands belonging to the State ;

An act to incorporate the Mobile and Western Railroad Company ;

An act to charter the National Savings Institution of Mobile ;

An act to regulate the pay of jurors for the counties of Bibb, Coffee and Jackson ;

An act to incorporate the trustees of Lawrence Lodge, No. 248 ;

An act to authorize the commissioners court of Coffee county to issue treasury notes ;

An act to authorize the Governor to sell State Bonds to aid the indigent and needy people of the State ;

An act for the relief of Shelby county ;

An act to incorporate the Eufaw Savings Bank ;

An act to incorporate the Alabama and North western Oil Company ;

An act to incorporate the Mobile and Three Mile Creek Plank Road Company ;

An act to incorporate the Mobile and Grand Trunk Railroad Company ;

An act to incorporate the town of Ozark, in Dale county ;

An act to incorporate the Stonewall Institute, in Perry county ;

An act to authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer, in favor of probate judges for administering, transcribing and filing amnesty oaths ;

An act to incorporate the Mobile Gas Light and Coke Company ;

An act to authorize the incorporation of companies for improving burial grounds ;

An act to incorporate the Valley Mining and Manufacturing Company ;

An act to incorporate the New Orleans and Selma Railroad Company ;

An act to amend an act to incorporate the Factors and Grocers Marine and Fire Insurance Company of Mobile, approved December 4th, 1863 ;

An act to compensate S. B. Brewer for extra services ;

An act for the relief of Edward H. Ustick, jailor of Sumter county ;

An act to incorporate the Bienville Gas Light Company for the city of Mobile ;

An act for the relief of A. H. Slaughter, of the county of Tallapoosa ;

An act to incorporate the Bienville Water Works Company for the city of Mobile ;

An act for the relief of Josiah Daniel, of Cherokee county.

Message from the Governor by Mr. Dixon :

*Mr. Speaker :*

His Excellency, the Governor, has approved and signed bills which originated in the House of Representatives, with the following titles, to-wit :

An act for the relief of executors, administrators, and guardians ;

An act for the relief of the court of county commissioners of Macon county ;

An act to make appropriations for the fiscal year ending on the 30th day of September, 1866 ;

An act for the relief of the Fire Department of the city of Mobile ;

An act to provide for the location of the county site of the county of Conecuh;

An act to legalize and authorize the further suspension of specie payments by the Bank of Selma;

An act to increase the pay of commissioners of roads and revenue, and jurors, for the counties of Covington and Coosa;

An act to define the powers of justices of the peace in the counties of Dallas, Pickens, and other counties;

An act to regulate the pay of jurors for the counties of Bibb, Coffee and Jackson;

An act to incorporate the trustees of Lawrence Lodge, No. 248;

An act for the relief of the indigent of Shelby county;

An act to authorize the commissioners' court of Coffee county to issue treasury notes;

An act to incorporate the Alabama and North-western Oil Company;

An act to incorporate the town of Ozark, in Dale county;

An act to incorporate the Stonewall Institute, in Perry county;

An act to incorporate the Mobile and Three Mile Plank Road company;

An act to compensate S. B. Brewer, for extra services;

An act to incorporate the Mobile Gas Light and Coke company;

An act to charter the Savings Institution of Mobile;

An act to incorporate the Mobile and Western Railroad company;

An act to authorize the incorporation of companies for improving Burial Grounds;

An act to incorporate the Wills' Valley Mining and Manufacturing company;

An act to establish a New Penal Code;

An act to incorporate the Factors and Grocers, Mutual and Fire Insurance company of Mobile, approved December 4th, 1863;

An act to incorporate the Mobile and Alabama Grand Trunk Railroad company;

An act to authorize the Governor to issue and sell State Bonds to aid the indigent and needy people of the State;

An act to appoint an agent to superintend the Salt Springs and lands belonging to the State, and to take charge of all the property of the State therein, and settle all accounts with the former agents and other persons;

An act to incorporate the New Orleans and Selma Railroad company;

An act to incorporate the Eutaw Savings Bank;

An act for the relief of Edward H. Ustick, Jailor of Sumter county;

An act to incorporate the Bienville Gas Light company, for the city of Mobile;

An act to incorporate the Bienville Water Works company of the city of Mobile;

An act for the relief of A. H. Slaughter, of the county of Tallapoosa;

An act for the relief of Josiah Daniel, of Cherokee county.

Message from the Senate by Mr. Garrett :

*Mr. Speaker:*

The Senate has adopted the following resolution :

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the House to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly have completed the business of the session, and are ready to adjourn *sine die*, unless he has further business to transact."

Messrs. Powell, of Tuscaloosa, Kilpatrick and Powell, of Macon, are the committee on the part of the Senate.

M. TAUL, Secretary.

The above resolution was taken up and concurred in by the House, and—

Messrs. Morse, Gibson and Frazer were appointed the committee on the part of the House, to wait on the Governor.

Mr. Morse, from the joint committee to wait on the Governor, reported that the committee had performed the duty assigned them, and that the Governor had no further communication to make.

Mr. Cooper then responded to the resolution of thanks adopted by the House, in an appropriate manner, bade the members and officers of the House farewell, and declared the House of Representatives adjourned *sine die*.